UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

RICHARD ARJUN KAUL, MD;
DAVID BASCH, MD;
JANE DOE; JOHN DOE.

v.

FEDERATION STATE MEDICAL BOARDS-
FLORIDA BOARD OF MEDICINE
CHRISTOPHER J. CHRISTIE; DANIEL STOLZ; ROBERT HEARY;
GEICO; JANE DOE; JOHN DOE.

CIVIL ACTION: NO.:

COMPLAINT

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Basis For All District Standing

Plaintiff Kaul has standing to bring suit against any/all of **The Kaul Cases** Defendants in any district court within the United States District Court, because **The Kaul Cases** Defendants caused him an illegal injury in April 2012 in all states/districts by using the US wires to disseminate, through the entities of the National Practitioners Data Bank and Defendant FSMB-FBM-Florida Board of Medicine to all state medical boards, information regarding the knowingly fraudulent suspension/revocation proceedings of Plaintiff Kaul's New Jersey license. This information, procured through fraud and fraudulent in nature/form, was entered onto the official record and had the immediate injurious effect of preventing Plaintiff Kaul from obtaining a license in any/all states/districts.

Since April 2012, Plaintiff Kaul has continued to be caused injury in all states/districts because **The Kaul Cases** Defendants with Defendant FSMB-FBM being the 'central cog' of the conspiracy, have perpetuated the injurious effect by obstructing Plaintiff Kaul's right/ability to procure a license and or have his NJ license reinstated.

Similarly, Plaintiff Kaul's economic standing/reputation/livelihood/liberty/life/social standing/professional standing/physical standing have been injured and have continued to be unlawfully exacerbated, consequent to **The Kaul Cases** Defendants willful/knowing and illegal obstruction of Plaintiff Kaul's litigation and license procurement efforts in the American courts and state medical boards.

On November 2020, Plaintiff Kaul affirmatively established the licensing injury in every state, and in 2023, the fact that Plaintiff Kaul is not in possession of a license in any state/district, including New Jersey and Florida despite a persistent/material/concerted effort since 2012 (Plaintiff Kaul's attempts at a 'peaceful' negotiation were ignored/rejected), and despite admitted fact that the 2012/2014 NJ suspension/revocation were/are illegal, DOES irrefutably establish standing in all districts.

Finally, almost all of **The Kaul Cases** Defendants/their lawyers have 'minimal contacts' with every state/district within the United States, and either benefit or have benefited from a 'stream of commerce' within that state/district, and the one/two that do not, have used and continue to use the US wires/mail to cause injury to Plaintiff Kaul and to conduct personal/business affairs within all states/districts of the United States.

Parties

Plaintiffs

1. RICHARD ARJUN KAUL, MD – 24 Washington Valley Road, Morristown, NJ 07960: 973 876 2877: DRRICHARDKAUL@GMAIL.COM **("KAUL")**

2. DAVID BASCH, MD – 90 S Sparta Ave, Sparta, NJ 07871: 201 396 0346: dbbortho@yahoo.com ("**BASCH")**

Defendants

1. GEICO INSURANCE COMPANY – 5260 Western Avenue, Chevy Chase, MD 20815 **("GEICO").**

2. FEDERATION STATE MEDICAL BOARDS (400 Fuller Wiser Rd, Suite 300, Euless, TX 76039) - FLORIDA BOARD OF MEDICINE (4052 Bald Cypress Way Bin C-03, Tallahassee, FL) **("FSMB-FBM").** The Florida Board of Medicine is a subjugate member of Defendant FSMB, and as such its inextricably intertwined liability with that of Defendant FSMB

3. CHRISTOPHER J. CHRISTIE – 2nd Floor, 36th Street Capital, Maple Avenue/Dehart Street, Morristown, NJ 07960 ("**CHRISTIE").**

4. DANIEL STOLZ – 60 Christy Drive, Warren, NJ 07059-6833 **("STOLZ").**

5. ROBERT HEARY – 1 Bay Avenue, Suite 5, Montclair, NJ 07042 **("HEARY").**

Preliminary Statement

1. K11-14 exposes the grand corruption of the Government of the United States of America by multi-national publicly traded for-profit corporations and their lethal profit purposed exploitation of the American public. K11-14 details the nexus between this 'unholy' corporation-government alliance and the medical/legal/judicial professions, a nexus through which are conducted massive schemes of racketeering that have caused, and continue to cause the wrongful deaths/incarceration of millions of innocent Americans.

2. The most recent catastrophe is that related to the mass forced/coerced inoculations of the American public with an mRNA toxin, that the public was deceived into believing was a 'vaccine' against COVID-19. This gene manipulating toxin has resulted and will continue to result in, amongst other things, premature death, increased rates of cancer, cardiac disease, and early-onset dementia/neuro-cognitive deterioration.

3. K11-14 exposes the inner machinations of these schemes and seeks to: **(i)** effectuate regulatory and political reform; **(ii)** cause the perpetrators of such tyranny to be monetarily penalized; **(iii)** re-distribute their wealth amongst the victims of their tyrannical corporate greed.

4. K11-14 places before this Court, a body of ever-expanding evidence of the Defendants **"ongoing pattern of racketeering"** within the for-profit system of corporate-government alliances involved in the multi-billion-dollar enterprise of so-called physician regulation/discipline, a system of oppression and human rights violation, at the head of which sits Defendant FSMB-FBM-Florida Board of Medicine, the 'hub' of the 'hub-and-spoke' conspiracy of the **"Federation-Cartel" ("FC").**

5. **The Kaul Cases** Defendants, in a period from 2016 to 2023, have, through schemes of judicial/political corruption, prevented this body of claim conclusive evidence from being

submitted to a jury in America. The evidence remains admitted and substantiates a concerted and knowing **"pattern"** of human/constitutional rights violations, whose origins extend back to March 2005, when Kaul invented and successfully performed the first outpatient minimally invasive spinal fusion.

6. That **"pattern"** has brought together the worlds of medicine, law, business, and politics, and has been conducted through judicial/administrative/financial/governmental agencies, and is, at its core, and as often described by U.S.D.J. Mark Wolf, a scheme of **"grand corruption"**, the type for which Judge Wolf has proposed an international anti-corruption court.

Jurisdiction + Venue

7. General:

28 U.S.C. § 1331 – Plaintiff's allegations arise pursuant to Section 1983 claims of violations of Kaul's Constitutional rights and U.S.C. § 1964(a)(b)(c)(d) and 1962.

U.S.C. § 337 – Plaintiff's allegations allege violations of an Act of Congress regulating commerce and monopolies.

28 U.S.C. § 1332(d)(2)(A) – Plaintiff is a citizen of a different state to certain Defendants and the aggregate amount in controversy exceeds seventy-five thousand dollars ($75,000).

8. Personal:

The Court has personal jurisdiction over all Defendants, as each Defendant has transacted business, maintained substantial contacts, and/or committed acts in furtherance of the illegal scheme and conspiracy throughout the United States, including in this district. The scheme and conspiracy have been directed at and have had the intended effect of causing injury to persons residing in, located in, or doing business throughout the United States including this District. This Court also has personal jurisdiction over all Defendants pursuant to Fed. R. Civ. P. 4(k)(1)(A) because they would be subject to a court of general jurisdiction in Florida.

9. Venue:

28 U.S.C. § 1391(b)(1) – A civil action may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located and (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

10. Plaintiff Kaul's denial of his application for licensure in the State of Florida was based on the illegal 2012/2014 suspension/revocation of his New Jersey license, and constitutes a **"new racketeering injury"** within the jurisdiction of the Southern District of Florida, that confers on

Plaintiff Kaul, the right to sue in the United States District Court for the Southern District of Florida.

Defendant FSMB-FBM illegally procured monopoly power of the entire mechanism and all elements of the process of physician education, training, board certification, licensing, credentialling, certification and so called 'disciplining', constitutes and accounts for the deprivation to state actors of state sovereignty/immunity defenses in litigation related to licensing disputes. Defendant FSMB-FBM monopolization of this system is totalitarian in nature and effect, is designed to subjugate/enslave the medical profession to obey the edicts/orders/agendas of for-profit healthcare corporations and to increase corporate profits through a ruthless slave-like exploitation of the public and medical profession. A critical element of this system, one required for absolute control, is that, that prevents a physician whose license was suspended/revoked in any state, from obtaining a license anywhere in the world, unless and until he forfeits all his property to the system (insurance corporations/medical boards/lawyers), admits to his guilt, even though innocent and submits himself to punitive/harsh/unconstitutional/illegal terms as condition of his re-commencement of clinical practice and regaining a livelihood. The denial of Plaintiff Kaul's petition for a Florida license constitutes both an example of this element and a **"new racketeering injury"**, for which the law provides Plaintiff Kaul the right/standing to file suit in the Southern District of Florida.

Statement Of Fact

FEDERATION – COVID VACCINE – OPIATE

Defendant FSMB-FBM's Suppression Of Free Speech, The COVID Vaccine Fraud And Profit Purposed Human Rights Abuses, Toxicity And Death

11. One of the principal themes of **The Kaul Cases**, has been that pertaining to the corrupt engineering of quid pro quo schemes by for-profit healthcare corporations with the regulatory/political apparatus of American healthcare in which at its most fundamental, human life is sacrificed for corporate profit.

12. Defendant FSMB-FBM-Florida Board of Medicine is a critical cog in this 'Soylent-Green' like machine, the ruthlessness of which was exposed during the so called COVID-19 pandemic.

13. Commencing in early 2020, just after the announcement of the purported pandemic, Plaintiff Kaul began writing articles and filing legal documents that highlighted the multiple profit purposed COVID related frauds that mandated knowingly toxic and ineffective mRNA 'vaccines', the wearing of masks and ubiquitous, but non-specific PCR testing.

14. This information reached a massive global audience, as did that published by other dissenting voices that exposed these crimes against humanity, and threatened corporate profits.

15. Consequently, these corporations conspired with Defendant FSMB-FBM to have suspended/revoked the licenses of physicians who either used the internet to communicate the grave risks of the vaccine or advised their patients against being inoculated, and or, as in Plaintiff Kaul's case, attempt to obstruct applications for and the issuance of licenses, as in Florida.

16. Defendant FSMB-FBM's 'muzzling' of the truth and dissemination of knowing falsehoods is ongoing, represents an **"open-ended pattern of racketeering",** is a serious threat to the public's health/welfare and pertains not just to the COVID vaccine, but to a myriad of drugs/medical devices, whose manufacturers are in conspiracy with Defendant FSMB-FBM-FMB.

17. Thus far, a public litigation of the evidence has not yet occurred, but the enclosed documents, which provide specific unrefuted detail, substantiate that the global public will come to know the absolute truth of why their fathers/mothers/brothers/sisters/sons/daughters either lost their lives and or suffered horrific life-changing injuries.

18. The outcome of K11-14 has immense consequence for the public, not only in exposing the truth but in ensuring such a genocidal-like crime is never again committed.

19. The documents are:

a. May 11, 2020 – WIX Article: COVID 19 CRIMES AGAINST HUMANITY: **"The thrust of the case is that Defendant Allstate has, since at least 1999, engaged in massive schemes of bribery that have corrupted state medical boards. The Complaint alleges that this corruption is directly responsible, as of May 11, 2020, for over eighty thousand (80,000) deaths and one point three million (1,300,000) cases caused by COVID-19 infections."** (**Exhibit 1**). These facts are relevant to the racketeering, section 1983, and human rights charges

b. November 4, 2020 – WIX Article: COVID-19 DEATHS + MEDICAL BOARD RACKETEERING + THE SUPREME COURT OF THE UNITED STATES: **"Kaul respectfully asserts that a grant of the writ will mitigate future threats of COVID-19 like microbial pandemics ... "Kaul respectfully asserts that the grant of a writ will mitigate any further decrease in market capitalization of**

Defendants Allstate ..." (**Exhibit 2**). These facts are relevant to the Defendants ongoing racketeering injuries, in that unless the commencement of change is effectuated, the same corporate related death and destruction will continue within the west, while BRICS and its associated members restructure the world in a manner consistent with the principles of the United Nations Charter On Human Rights. The 2020 SCOTUS, the one before the recent 2023 exposition of judicial impropriety, chose not to issue a writ that would have protected the American public.

c. December 15, 2020 – WIX Article: COVID-19 MUTATION DEFEATS A VACCINE: **"The vaccine has caused the mutation and will provide no protection to the mutant virus now coursing through the planet's circulatory system. Of course, those corporations/executives raking in billions of dollars from having corrupt governments/politicians mandating vaccination programs, have insulated themselves and their families from harm. Two of these corporations are Berkshire Hathaway/Geico and Allstate Insurance Company."** (**Exhibit 3**). This release reached a worldwide audience, and its undisputed factual accuracy and truthfulness lend weight to Summary Judgment.

20. The following documents, all part of (**Exhibit 4**) and extracted from K11-10, contain facts highly probative to Defendant FSMB-FBM's perpetration of schemes, willfully violative of the Nuremberg Code, of forced/coerced programs of mass public inoculation with a knowingly lethal mRNA toxin. The K11-10 district judge's May 10, 2023, dismissal was an attempt to suppress a public examination of these facts and deprive the public of their right to know information critical to their health, welfare, and life, sacrificing the lives of people and their children at the 'gallows-guillotine' of corporate profit.

a. March 9, 2023 – K11-10: D.E. 1 Page 9 to 10 of 169: **"The COVID vaccine, as Kaul predicted, has now been found to be highly toxic/ineffective: https://www.drrichardkaul.com/so/24NPf5O65 This fact was known by the government/corporate entities that forced it on the world's population:**

https://theswisstimes.ch/swiss-banker-files-criminal-charges-over-false-covid-vaccine-statements/ **In K11-7, the Defendants attempted to frame the Plaintiffs' assertion of these facts as evidence of the implausibility of their complaint, with terms such as "vast conspiracy" and "nutcase". These facts are now proven, and this country, like Switzerland, should have the courage to bring criminal charges against those who perpetrated these crimes against humanity." (Exhibit 4)**

b. May 2, 2023 – K11-10: D.E. 19 Page 74 to 81 of 116: **"According to the CDC, more than 10,000 reports of myocarditis were reported to the VAERS after COVID-19 vaccination (Pfizer-BioNTech and Moderna) in the US ... Adverse effects such as myocarditis, glomerular diseases and cutaneous eruptions are seen with the MRNA vaccines." (Exhibit 4).**

c. May 2, 2023 – K11-10: D.E. 19 Page 101 to 104 of 116: **"The mafia tactics of the Federation of State Medical Boards, filtered down to individual health professionals, has been highly effective in suffocating dissent, stigmatizing critical thinking and helping to establish a Stasi-style culture." (Exhibit 4)**

d. May 2, 2023 – K11-10: D.E. 19 Page 68 to 72 of 116: **"The federation expects its members will conduct more investigations that would lead to disciplinary actions. But in some cases, the responses from some medical boards and state officials have been stymied by political backlash. States like Tennessee and North Dakota, for example, have restricted state medical boards' powers. And now legislators in 10 other states — including Florida and South Carolina — have introduced similar measures." (Exhibit 4).**

e. May 2, 2023 – K11-10: D.E. 19 Page 83 to 88 of 116: **"Physicians who generate and spread COVID-19 vaccine misinformation or disinformation are risking disciplinary action by state medical boards, including the suspension or revocation of their medical license ... Spreading inaccurate COVID-19 vaccine information ... threatens to further erode public trust in the medical profession and puts all patients at risk." (Exhibit 4).** Defendant FSMB-FBM and its

COVID manufacturing corporate masters and their investors are today responsible for the deaths and injuries of millions of global citizens who were forced/coerced into inoculation. This constitutes further evidence as to the urgent need for a **"Reformation Of American Medical Boards" ("RAMBO").**

f. May 2, 2023 – K11-10: D.E. 19 Page 91 of 116: **"The COVID-19 pandemic may someday be the subject of countless volumes of literature describing it as a sinister man-made global plague. In today's America, it has introduced a dark age of medical science. Nowhere has this fact been demonstrated more clearly than by the actions of state medical licensing boards, most of whom take their cues from the Federation of State Medical Boards (FSMB-FBM). Their drive to control medical practice has been gaining momentum for decades, but their current stance and methodology is an all-out assault on the once noble and legitimate medical profession. Having received the infamous honor of being the first medical doctor in the U.S. to have my medical license first suspended, then fully revoked, because of COVID malevolence, I've learned many lessons about exactly how state medical boards have honed the process of destroying good physicians. Now, to be sure, there are no perfect physicians, just as there are no perfect people. But a serious problem must exist when the Oregon Medical Board (OMB) is able to take down a physician who has done no harm and who actually had no patient complaints concerning the board's allegations against him.**
In this story of my experience, I am just an example. It exposes the corruption and dirty secrets of an agency that is out of control, without accountability, and devoid of any regard for the best science and sound medical practice. State medical licensing boards have evolved into monsters that devour any medical practitioners in their path who do not comply with the government narrative. When government goes rogue, the medical system becomes an unholy alliance that ultimately wreaks havoc on patients. When the physician-patient kinship is compromised, the healing arts suffer greatly. Any collaboration between government and medicine spells disaster." (Exhibit 4).

g. May 2, 2023 – K11-10: D.E. 19 Page 47 to 64 of 116: **"The Committee's Long-Standing Interest in the Opioid Epidemic ... the Department of Health and Human Services (HHS) and others, it stressed the critical need to remain diligent, especially during the COVID-19 pandemic ... we sent letters to 10 tax-exempt organizations and requested information about their financial relationships with opioid manufacturers** [Purdue funneled bribes to Defendant FSMB-FBM in exchange for the issuance of an order in or around 2000, that resulted in the disciplining of physicians who under-prescribed opiates in the treatment of chronic pain patients]. **These groups included ... Federation of State Medical Boards ..." (Exhibit 4).**

h. May 2, 2023 – K11-10: D.E. 19 Page 96 of 116: **"Recently, there have been increasing calls in the medical community, including from the Federation of State Medical Boards (FSMB-FBM) and professional certification boards such as the American Boards of Family Medicine (ABFM), Internal Medicine (ABIM), and Pediatrics (ABP) to revoke the licenses and board certifications of physicians who promulgate medical misinformation." (Exhibit 4).** Defendant FSMB-FBM knew the so called 'vaccine' was toxic and ineffective, and knew that its use of the US wires to transmit such knowingly fraudulent information constituted wire fraud, but more importantly, that the forced inoculation of the public would cause death and life-threatening long-term morbidity. Genocidal crimes against humanity rendered through the quid pro quo 'hijacking' of the apparatus of world governments.

i. May 30, 2023 – Article **"COVID outbreak at CDC gathering infects 181 disease detectives":** **"Nearly all of the survey takers, 1,435 (99.4%), reported having received at least one COVID-19 vaccine." (Exhibit 4).**

Defendant FSMB-FBM's Profiteering From The Opiate Epidemic

21. In approximately 2000, numerous opiate manufacturers, including Purdue, commenced bribing Defendant FSMB-FBM and its directors, in a series of quid pro quo schemes, in which

monies were exchanged in return for forcing/coercing physicians to dispense opiates under threat of license suspension/revocation.

22. Indeed, many physicians who chose to treat pain without opiates had their licenses suspended/revoked, their livelihoods destroyed and many of these physicians committed suicide as did a number of their teenage children, consequent to the destruction of their families.

23. In 2012, the United States Senate opened an investigation into these illegal schemes, and on May 8, 2012, requested from Defendant FSMB-FBM, a list of all exchanged monies/information pertaining to facts of the genesis and perpetuation of the opiate epidemic and related deaths: **"It is clear that the United States is suffering from an epidemic of accidental deaths and addiction resulting from the increased sale and use of powerful narcotic painkillers such as Oxycontin (oxycodone), Vicodin (hydrocodone), and Opana (oxymorphone) ... Deaths from these drugs rose more rapidly "from about 4,000 to 14,800" between 1999 and 2008, than any other class of drugs and now kill more people than heroin and cocaine combined ... Recent investigative reporting from the Milwaukee Journal Sentinel/MedPage Today and ProPublica revealed extensive ties between companies that manufacture and market opioids and ... the Federation of State Medical Boards ..."** (Exhibit 5).

24. On December 16, 2020, the results of the investigation and the Senate's demand for greater transparency in commercial relationships between for-profit healthcare corporations and Defendant FSMB-FBM/other tax-exempt groups, were published: **"Senate Finance Committee Ranking Member Ron Wyden, D-Ore., and Chairman Chuck Grassley, R-Iowa, today issued a report to committee colleagues illuminating the extensive connections between opioid manufacturers and opioid-related products, and tax-exempt entities that have helped drive up sales while downplaying the risks of opioid addiction."** (Exhibit 6).

25. Almost as soon as the Senate admonished Defendant FSMB-FBM, it commenced its public campaign of promoting the so called 'vaccine' and having suspended/revoked the licenses of those physicians who highlighted its toxicity and ineffectiveness.

JUDICIAL CORRUPTION + FRAUD ON THE COURT

A Perpetration Of A 'Fraud on the Court' And Nullity Of The May 10, 2023, Order In K11-10

26. On May 10, 2023, in K11-10, a purported order/opinion was entered by the district judge, Jennifer L. Rochon (**Exhibit 7**). The document perpetuates an admitted 'Fraud on the Court', in that its purpose, nature, substance and character are identical to the fraudulent K11-7 September 12, 2022, order/opinion of district judge, James Paul Oetken.

27. The fraudulence of Oetken's K11-7 September 12, 2022, order/opinion became established on October 6, 2022 (**Exhibit 8**).

28. On May 2, 2023, in K11-10, a case in which Oetken was deprived of adjudicative power, consequent to pending complaints before state/federal disciplinary committees and councils (**Exhibit 9**), counsel for Defendant ICE filed a letter with the Court in which he copied Oetken (**Exhibit 10**), thus converting him from a jurist to a witness/defendant, a fact stated in Plaintiffs May 12, 2023, response (**Exhibit 11**) to the district judge's May 10, 2023, purported order/opinion.

29. On May 9, 2023, and in response to Defendant ICE's May 2, 2023, letter, Plaintiffs submitted opposition papers (**Exhibit 12**), in which they identified, amongst other things, Defendant ICE's **"conspicuous failure to have the New York State ATTORNEY GRIEVANCE COMMITTEE issue an opinion of no cause regarding the K11-7 district judge, does further consolidate the corpus of fact substantiating 'Fraud on the Court' as a basis for K11-10."**

30. The K11-10 district judge's knowingly improper May 10, 2023, incorporation, and use of the US wires/United States District Court, to propagate the fraudulent September 12, 2022, K11-7 order/opinion, did cause to be rendered fraudulent and thus null/void the K11-10 district judge's May 10, 2023, purported order/opinion.

31. However, in addition to the procedural 'Fraud on the Court' based nullity, the purported order/opinion is without legal effect consequent to multiple misrepresentations/mischaracterizations of fact, as identified below:

BACKGROUND:

32. **Filing History**: The Court states: **"In March 2014, the New Jersey State Board of Medical Examiners ... any request will be denied for failure to comply with this Opinion and Order, and Plaintiff Kaul may be subject to sanctions, including monetary penalties or contempt." Id. at *9."**

33. The opinion was drafted by the Defendants lawyers, and contains verbiage that is almost an exact copy of that submitted in prior judicial opinions, the purpose of which is an attempt to undermine Plaintiff Kaul's credibility, character, and competence, by misrepresenting the facts pertaining to the politico-legal events preceding/surrounding the illegal February 12, 2014, revocation/revocation proceedings (April 9 to June 28, 2013).

34. The revocation/revocation proceedings were and are illegal (**Exhibit 13**), a fact known to the K11-10 district judge, a fact admitted to by **The Kaul Cases** Defendants, and a fact underpinned by the undisputed and claim conclusive evidence within **The Kaul Cases**.

35. From the commencement of **The Kaul Cases** on February 22, 2016 (K1), the Defendants strategy has involved bribing politicians and judges (Wall Street Journal articles September 2021) to prevent any of the cases advancing into discovery and to have cases dismissed for

legally invalid reasons, and to then use these fraudulently procured dismissals to argue, and have judges argue that because **"Plaintiff Kaul has never received any relief in these cases."** that therefore the case before them, regardless of new evidence/facts/injuries should be dismissed.

36. At no point have **The Kaul Cases** Defendants contested/refuted/rebutted/addressed any of the evidence/facts, facts to which they have admitted sufficient for Summary Judgment, and facts that support claims that they continue to falsely describe as **"frivolous".**

37. In furtherance of the K11-10 Defendants/District Judge's scheme to undermine Plaintiff Kaul/Basch's credibility, is the district court judge's blatant misrepresentation of the FACT that the insurance industry was born out of the trans-Atlantic slaving industry, profited from the Nazi engineered Holocaust and continues to profit from the mass mandated dissemination of so called COVID vaccines.

38. Plaintiffs submitted these facts in **The Kaul Cases** and specifically in K11-2 as evidence of a four hundred year-plus **"pattern of racketeering"** and a general profit-purposed criminal state-of-mind consistent with the wrongdoing against the Plaintiffs, as identified in The **Kaul Cases**, and NOT, as the district judge disingenuously claims, a direct conspiracy against Plaintiffs Kaul/Basch; although the insurance industry does indeed view/treat ethnic minority physicians as modern-day slaves (**Exhibit 14**).

39. The district judge states: **"Plaintiff Kaul has never received any relief in these cases," as the District of New Jersey dismissed many of Kaul's claims and Kaul voluntarily dismissed others. Id. at *2."**

40. All cases were in fact voluntarily dismissed, and the district judge's statement is false and purposed to mislead the record and any future readers of the record into believing the

Defendants false narrative that **The Kaul Cases** claims are without merit. The claims, as evidenced by the admitted fact, do indeed have merit, a fact known to the district judge.

41. Similarly, the K11-10 district judge, in keeping with and furthering the K11-7 district judge's September 12, 2022 'Fraud on the Court' (K11-7: D.E. 168) mischaracterizes a kidnapping of Plaintiff Kaul on May 27, 2021 (**Exhibit 15**) as a **"purported kidnapping"**, and re-enters onto the record a quote from the knowingly fraudulent September 12, 2022 document: **"The Court warned that "[i]f Plaintiff Kaul violates this Opinion and Order and files any materials without first obtaining leave to file, any request will be denied for failure to comply with this Opinion and Order, and Plaintiff Kaul may be subject to sanctions, including monetary penalties or contempt." Id. at *9.**

42. K11-10 was filed on March 9, 2023, and the Court after having reviewed the Complaint, issued summonses for all Defendants, four (4) of whom were served. The K11-10 district judge only dismissed the case after direct interference from Oetken, the jurist who was converted into a witness/defendant consequent to being copied on Defendant ICE's May 2, 2023, letter (K11-10: D.E. 17).

43. **Factual Background**: The Court states: **"Plaintiffs have now filed, without leave, another complaint alleging that Defendants supported ... Plaintiffs allege that PACE submitted a false report to the Pennsylvania Medical Board stating that Kaul "would be a danger to the public" and "likely never meet the standards to ever return to the practice of medicine." Id. ¶ 64" –**

44. The strategy of the Defendants/District Judge involves citing statements from Plaintiffs' pleadings that are either unrefuted/uncontested/unrebutted/undenied, mischaracterized/misrepresented and or contextually excerpted, in an attempt to mischaracterize Plaintiffs' claims as implausible and or evidentially unsupported.

45. The Defendants/District Judge's mischaracterization is an attempt to mitigate Oetken's K11-7 'Fraud on the Court' and justify the K11-10 district judge's knowingly improper attempt to further perpetrate this fraud within the United States District Court. The Court states: **"Plaintiffs claim that the Defendant insurance companies are committing racketeering through a "Slaving-Nazi-COVID-Insurance Axis" to "force[] mass global vaccination programs." Compl. ¶¶ 17-18."**

46. This is a gross mischaracterization of the pled fact that the insurance industry began with the trans-Atlantic slaving industry, profited from the Nazi Holocaust, and continues to profit from mandated COVID vaccine programs, all being forms of legalized trafficking and exploitation of humans, a theme central to the claims in **The Kaul Cases** of the legally facilitated exploitation of principally ethnic minority (Hispanic/Asian/African-American), through the coopting of the government/courts and the enactment/perversion of law to provide 'legal' cover for such crimes against humanity.

47. These historical facts substantiate a four-hundred-year-plus **"pattern of racketeering"**, facts regarding the continuance of which are pled in **The Kaul Cases**. The Court states: **"Plaintiffs admit to filing several similar lawsuits between 2015 and 2022. Id. ¶ 4 ... These claims are summarized in Judge Oetken's opinion, and the Court assumes familiarity with those allegations. Kaul 2021 at *2-3."**

48. The K11-10 district court judge has misrepresented the pleading, in that in paragraph 4. the Plaintiffs did NOT admit to filing several similar lawsuits between 2015 to 2022, as is evident from a plain reading of para. 4. The Court states: **"Portions of the Complaint are seemingly a "copy and paste" from the amended complaint filed in Kaul 2021. Compare id. ¶¶ 16-21, 27, 29-35, 71-222 with Kaul v. Intercontinental Exch., No. 21-cv-6992 (JPO), ECF No. 14 ("Kaul 2021 Compl.") ¶¶ 6-10, 12-152."**

49. This is a contextually excerpted and grossly misleading statement of the legal warranty of K11-10 pursuant to the doctrine of 'Fraud on the Court' which permits a case to be refiled in the same or a different court, as substantiated in K11-10 with reference to controlling SCOTUS law (K11-10: D.E. 1 Page 82 of 169) (**Exhibit 16**).

50. This accounts for the fact that the majority of K11-10 is indeed identical to K11-7. A lack of identity between K11-10 and K11-7 would be inconsistent with the foundational doctrine of 'Fraud on the Court', but even absent this basis, K11-10 was brought jointly on new evidence/facts/injuries.

51. On May 10, 2023, in K11-10 the Court/Defendants state: **"Notwithstanding, Plaintiffs claim this lawsuit is an "independent action" alleging new facts and "new racketeering injuries." Compl. ¶ 7. The first "new" allegation is that Judge Oetken fraudulently dismissed Plaintiffs' previous case, Kaul 2021; and Judge Oetken "tacitly admitted to having received bribes and conspiring with the Defendants and or their agents." Compl. ¶¶ 5, 12. Plaintiffs allege that various Defendants bribed Judge Oetken to dismiss Kaul 2021 and enter the injunction that prevents Plaintiff from prosecuting the "Kaul Cases." Id. ¶¶ 22-24 ... Second, Plaintiffs allege that the New York State Medical Board colluded with "[t]he Kaul Cases Defendants" to deny Kaul's medical license application ... Third, Plaintiffs claim that three defendant insurers – FSMB-FBM, Allstate, and GEICO – used the State of California - UC San Diego Physician Assistant and Clinical Education ("PACE") Program to further their racketeering scheme." (Exhibit 7).**

52. Neither the Court nor the Defendants have refuted/rebutted/contested/addressed these facts, but in simply re-stating them on the federal record, they have inadvertently admitted the facts. Attached to K11-10 was a copy of a lawsuit Plaintiff Kaul had drafted against Defendant PACE (K11-10: D.E. 1 Page 151 of 169), with the intention of filing in the United States District Court for the Southern District of California. That case is now pending in the United States District Court for the Southern District of California (K11-8).

53. Procedural Background:

The Court states: **"Plaintiffs filed the Complaint on March 9, 2023. See id. Defendant Allstate requested dismissal of this action on April 19, 2023, on the grounds that the Complaint violates an anti-filing injunction. ECF No. 3. Plaintiffs filed a motion for summary judgment on April 21, 2023, ... Plaintiffs responded to Defendant Intercontinental Exchange's letter on May 9, 2023. ECF No. 24."**

54. This is a purposefully incomplete recitation, in that the Court fails to specifically identify Defendant Heary's April 24, 2023, ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY (K11-10: D.E. 9). These admissions, pursuant to RICO's vicarious liability doctrine, did on May 24, 2023, become admitted with regards to all other K11-10 Defendants, sufficient to substantiate Summary Judgment.

DISCUSSION:

55. Anti-Filing Injunction Against Kaul:

The Court states: **"This lawsuit runs afoul of Judge Oetken's order barring Kaul from filing any lawsuits related to the facts of his earlier cases ... The Court finds that Kaul is barred from bringing the Complaint in this lawsuit as it clearly falls with Judge Oetken's anti-filing injunction."**

56. The K11-10 district judge's analysis incorporates and perpetuates Oetken's K11-7 September 12, 2022, knowing 'Fraud on the Court' and is knowingly/willfully false in that the K11-10 district judge knew and knows that the doctrine of 'Fraud on the Court' as applied to Oetken's October 6, 2022, admitted fraud (**Exhibit 8**) has rendered and renders null and void Oetken's September 12, 2022 K11-7 opinion and all purported orders within the opinion, including that of the purported 'anti-filing injunction'.

57. The K11-10 district judge, by willfully incorporating into a judicial opinion/order, the contents of a knowingly fraudulent document, the K11-10 district judge has, for political/professional reasons, assumed Oetken's liability of fraud, an act that can reasonably be inferred was a consequence of her/Oetken's calculation that the liability of fraud assumption was outweighed by the risk that without such an order, the Plaintiffs would not be coerced/intimidated into not continuing to litigate the claims to resolution.

58. The K11-10 district judge evinces her fraudulent state-of-mind in devoting twenty (20) lines to a purported analysis of why Oetken's fraudulent September 12, 2022, opinion/order applies to K11-10, while willfully omitting the fact that K11-10 pleads new and **"ongoing racketeering"** offenses/injuries, for which the law regarding new evidence/facts authorizes new claims (**Exhibit 17**) as does the doctrine of 'Fraud on the Court'. The K11-10 opinion/order are legally unsupported.

59. The K11-10 district judge's failure to contest/rebut/refute/analyze the applicability of 'Fraud on the Court'/**"ongoing racketeering"** constitutes a tacit admission of these doctrines, which further substantiates the filing of K11-14.

60. These admissions further invalidate the purported 'anti-filing injunction' and further validate the filing of K11-14, while the K11-10 judge's tangential referencing of the doctrines, although intended to convey the impression of analysis, does nothing but evidence a fraudulent state-of-mind and its attempted perpetuation, as does the footnote on page 6: **" ... procedurally proper way to challenge the decision in Kaul 2021 [K11-7]"**, which is a blatant attempt to mischaracterize Oetken's September 12, 2022 K11-7 opinion/order as a legitimate non-fraudulent act, which it is not.

61. **Collateral Estoppel**:

The Court states: **"The doctrine of claim preclusion, also called collateral estoppel, also bars most of Plaintiffs' claims ... bars all of the claims in this action except the three new RICO claims, which were not already adjudicated, but which are barred by the injunction."**

62. The doctrine is inapplicable/invalid for the same reasons that invalidate the purported 'anti-filing injunction', those being the **"ongoing racketeering"** offenses/injuries and 'Fraud on the Court'; reasons not contested/rebutted/refuted/analyzed by the K11-10 district judge, and for the simple fact that the K11-7 issues were never litigated nor legitimately decided, and the facts were admitted.

63. The K11-10 judge's reliance on Somerset v Partners, LLC, No. 20-cv001241 is misplaced, in that in the Somerset cases there was no 'Fraud on the Court', and there was one discrete alleged offense/injury that was highly circumscribed in time and there was neither any **"ongoing pattern of racketeering"** nor **"new racketeering injuries"** as was the case in K11-7/K11-10 and is the case in K11-14.

64. The K11-10 district judge chose to raise a preclusion defense, knowing that within **The Kaul Cases**, including K11-7, the Defendants use of these defenses had uniformly failed, in that neither the Defendants nor the courts disproved Plaintiff Kaul's negation of the defenses. The K11-10 district judge knew this to be the law of **The Kaul Cases**, including K11-10, but in attempting to violate the law, did further perpetuate the 'Fraud on the Court'.

65. Rule 8(a)(2):

The Court states: **"The Complaint should also be dismissed pursuant to Rule 8(a)(2). Rule 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief." ... Therefore, the Court also dismisses this complaint pursuant to Rule 8(a)(2)."**

66. The K11-10 district judge's strategy of 'throwing everything at the wall, to see what sticks' is most distinctly evidenced in raising a Rule 8 defense, a defense that failed in K11-7 in that neither the Defendants nor the court disproved Plaintiff Kaul's negation of the defense.

67. In fact, the mere raising of this defense by the K11-10 district judge constitutes evidence of the knowing invalidity of the purported 'anti-filing injunction' and collateral estoppel defenses, in that if these defenses were indeed valid, which they are not, their validity would render mute/unnecessary a Rule 8 defense, but from which in fact, the lack of muteness/specific Rule 8 citation do infer the invalidity of the purported 'anti-filing injunction' and collateral estoppel. Put otherwise, the K11-10 judge's mere raising of Rule evidences the invalidity of the anti-filing injunction/collateral estoppel defenses.

68. The K11-10 district judge's May 10, 2023, opinion/order constitute a 'Fraud on the Court', but even if it did not, which it does, K11-14 is legally warranted as it is based on new/ongoing offenses/injuries, previously not in existence, and contains undisputed facts material to the proof of Summary Judgement (**Exhibit 18**).

Rule 54 Infraction, Admission Of Undisputed Material Fact And Oetken's Conversion Into A Witness/Defendant:

69. On May 12, 2023, Plaintiffs submitted a letter (**Exhibit 19**) to the K11-10 district judge in which they raised the following facts: **(i)** the K11-10 May 10, 2023 was invalid/null and void consequent to unadjudicated motions, as pursuant to Rule 54(b) **"Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities."**; **(ii)** On May 24, 2023, the facts contained within the April 24, 2023 **ADMISSION OF MATERIAL UNDISPUTED FACT OF DEFENDANT ROBERT HEARY** became permanently admitted not just as to Defendant Heary, but as to all

Defendants pursuant to RICO's vicarious liability doctrine; **(iii)** neither the Defendants nor the K11-10 district judge provided authority to negate that underpinning the doctrine of 'Fraud on the Court', which corroborated Oetken's October 6, 2022 admission in K11-7 that his purported opinion/order were/are a 'Fraud on the Court'; **(iv)** Defendant ICE, in improperly copying Oetken on their May 2, 2023 (K11-10: D.E. 17), an individual with no legitimate adjudicative power in K11-10, did cause him to become a witness/defendant, who obstructed justice in K11-10 by conspiring with the K11-10 district judge to dismiss K11-10 with prejudice, knowing that he was under investigation by the New York State Bar, and a public prosecution of K11-10 would expose evidence of all his prior wrongful acts, be they civil and or criminal.

The Inapplicability Of Mootness:

70. On May 16, 2023, and in response to Plaintiffs' May 12, 2023, letter, the K11-10 district judge, absent any citation to legal authority and further evidencing her 'Fraud on the Court' did alter the Plaintiffs' May 12, 2023, letter to claim that her willful non-adjudication of motions filed by Plaintiffs for Summary Judgment/Default Judgment was **"moot"** because the dismissal had the **"effect of denying as moot all open motions"**.

71. The K11-10 district judges argument is fallacious because: **(i)** The major premise of the K11-10 district judge's purported opinion/order is the admitted 'Fraud on the Court' of Oetken's September 12, 2022, K11-7 purported order/opinion, a premise that is fatally undermined by the principles underpinning Rule 60 and the doctrine of 'Fraud on the Court'; **(ii)** Finality, pursuant to Rule 54, cannot exist without adjudication of all pending motions, which renders null/void the May 10, 2023 K11-10 district judge's purported opinion/order; **(iv)** the legal definition of 'moot' is a term that means an open question, or a thing that is debatable, unsettled or subject to argument, and thus the K11-10 district judge undermined her purported opinion/order in using this term, but even if this were not the unintended result, the new and ongoing evidence/facts/offenses/injuries continuing to be caused to Plaintiff Kaul (2012 to 2023 and ongoing) will continue to preclude from **The Kaul Cases** any consideration of the concept of mootness, until the offenses cease and the injuries are rectified/remedied/remediated.

72. The facts that preclude mootness exist within the scheme that has been perpetrated and continues to be perpetrated by **The Kaul Cases** Defendants, certain judges within administrative/state/federal courts and others, whereby these individuals have violated and continue to violate Plaintiff Kaul's right to regain his livelihood/life/liberty/economic standing/reputational standing/professional standing/social standing/physical standing/psychological standing by obstructing his efforts to litigate his legal claims, have his New Jersey license reinstated, actualize the May 27, 2020 grant of his Pennsylvania license and or obtain a license in any other state, including Florida.

RACIAL DISCRIMINATION AND ANTI-SEMITIC HISTORY

The historical facts of antisemitism and racial discrimination integral to the origins and industrial perpetuation of defendants FSMB-FBM/Allstate/Geico/TD, the latter three derived from the British banking-insurance cartels, are those of a "pattern" of profit purposed racketeering/human rights violations/crimes against humanity.

73. The facts contained within the enclosed submissions (**Exhibit 20**) became admitted by the K11-14 Defendants in K11-2, K11-7 and K11-10, and are facts that conclusively prove the K11-14 charges.

74. K11-2: D.E. 4-1 Page 33 of 254 – Article NYT May 18, 1998 – "Insurers Swindled Jews, Nazi Files Show": **"The documents, which abound with anti-Jewish slurs, include a confidential industry estimate that at least 19 of the 43 German fire insurance companies stood to suffer losses for the year if they fulfilled their obligations to Jewish policyholders for Kristallnacht. That contradicts an assertion of some German insurers that they did not profit from the Holocaust." (Exhibit 20-1).**

75. K11-2: D.E. 4-1 Page 28 of 254 – Article The Guardian November 26, 2016 – "Family's quest for truth reveals top insurer's link to SS death camps": **"After Gold's book was published, an**

executive of Ergo, the company that now owns the insurer, allowed her to see the archive recording the activities of the firm during the Nazi era. They revealed that the SS, which ran factories in the camps at Auschwitz, Buchenwald and Stutthof, close to what is now Gdansk, paid a consortium of firms, including the Victoria, premiums of 3.7m reichsmarks a year (£320,000 at 1939 exchange rates) to insure the factories ... "They didn't insure the workers," says Gold. "They were too easily replaced." (Exhibit 20-2)

76. K11-2: D.E. 4-1 Page 95 of 254 – Statement of historical fact of insurance/banking industry's critical role in the trans-Atlantic slaving industry and Nazi Holocaust – "The Slaving-Nazi-Insurance Axis": **"The common thread connecting the slaving industry, the Nazi atrocities and the "War on Doctors" (1990 to the present) is the ruthless/genocidal for-profit insurance/banking industry/machine of which Defendants Allstate/Geico/TD/Northern Trust/Boston Partners are members ... The atrocities/crimes (murder/manslaughter/enslavement/economic servitude/human trafficking/imprisonment) against humanity of the slaving industry/the holocaust/the targeted extermination of the infirm/specific racial groups continues to be perpetrated today in the United States by the insurance industry against ethnic minorities, occupied principally by immigrants/Indians/Hispanics/Blacks ... Similarly, the insurance industry propaganda machine has concealed from the American public its "War on Doctors" and patients with chronic illnesses. It has concealed its pervasive corruption of the judiciary and crooked physicians willing to provide false testimony against physicians to whom the insurance industry owes money, in order to have these physicians (mostly Indians) eliminated through incarceration/loss of livelihood/license suspension/revocation/suicide/social ostracization/professional ostracization." (Exhibit 20-3)**

The insurance industry's four hundred (400) year-plus "pattern" of profit purposed racketeering/human rights violations/crimes against humanity continues in its ongoing abuse of American investigative/prosecutorial/adjudicative agencies in the filing/procuring of false criminal indictments/prosecutions/incarcerations of innocent ethnic minority physicians.

77. In the five (5) week trial of Dr. Lesly Pompy (USA v Dr. Lesly Pompy (18-cr-20454), a physician from Haiti acquitted on all thirty-eight (38) counts (**Exhibit 21**), there emerged evidence on December 2, 2022, in the form of testimony from a James Stewart Howell, an ex-police officer/Blue Cross Blue Shield 'undercover investigator'/Government witness, that detailed the massive schemes of fraud perpetrated against principally ethnic minority physicians by Blue Cross Blue Shield and governmental persons/agencies.

78. Plaintiff Kaul incorporated the transcript of this testimony into the matter of Kaul v BCBS/Marino: 23-CV-00518 (K11-11) (D.E. 1-4) and submits into K11-14 an excerpt of the K11-11 Complaint (**Exhibit 22**), which contains facts pertaining to racial targeting and insurance industry **"patterns of racketeering"** that are highly probative of the claims in K11-14:

79. "In 2018, Dr. Lesly Pompy, a Michigan based interventional pain physician of Haitian origin, was indicted by the US Government on charges of healthcare fraud, in a case almost identical to that filed against Dr. Anand" (Exhibit 22).

80. "However, during the trial evidence emerged of the fraudulent schemes perpetrated by the Blue Cross Blue Shield corporations in their efforts to entrap knowingly innocent physicians, mostly of whom belonged to ethnic minorities" (Exhibit 22).

81. "During the testimony of a James Howell, an ex-police officer employed by Blue Cross Blue Shield to manufacture entrapment schemes, Howell testified that in furtherance of these schemes he was provided fraudulent medical documents, driving licenses and other official documents by agencies/persons of the State of Michigan and physicians employed by Blue Cross Blue Shield" (Exhibit 22).

82. "Howell's prior testimony in various other prior court proceedings had resulted in the wrongful conviction and incarceration of other ethnic minority physicians, all of whom continue to languish in jail" (Exhibit 22).

83. "The trial of Dr. Pompy unequivocally establishes the "pattern of racketeering" being perpetrated by the American insurance industry and specifically the Blue Cross Blue Shield corporations, and corroborates the claims that Kaul has asserted within The Kaul Cases, since 2016." (Exhibit 22).

The American insurance industry's schemes of racial discrimination/asset seizure and commercial conspiracies with governmental agencies against ethnic minority physicians (Hispanic/Black/Indian) are almost exact replicas of those perpetrated against Jews by German industrialists and the Nazi Government as detailed in the final reports of the Nuremberg Trial.

84. The parallels between the Nazis persecution of the Jews/others (1933-1945) as detailed in the Nuremberg trial/final report (**Exhibit 23**) and the American persecution of ethnic minority physicians by an insurance industry-government totalitarianism (1990s and ongoing) is more than coincidental, and is fact, simply a continuation of the four hundred (400) year-plus **"pattern"** of profit purposed racketeering/human rights violations/crimes against humanity. Irrefutable evidence of these crimes against humanity was released by the American Government under a FOIA request, and was published as part of a May 17, 2023, press release issued by Plaintiff Kaul:

US INSURANCE GIANT, BLUE CROSS BLUE SHIELD, HAS EXPOSED ITS TARGETING OF ETHNIC MINORITY PHYSICIANS FOR MASS INCARCERATION

85. https://www.drrichardkaul.com/so/20OWhtSL1?languageTag=en

86. In fact, the Flexner Report (**Exhibit 24**) provides historical evidence that corroborates the facts within the press release. The Report, published in 1910 at the behest of the Carnegie and Rockefeller Corporations, set forth a plan to design and control every element of medical education/licensing in order to subjugate the medical profession to corporate interests.

87. Within this scheme there was engineered a structural racism that continues today, and within which for-profit healthcare corporations, such as Defendants FSMB-FBM/Allstate/Geico conspire with governmental agencies/courts to illegally profit through exploitative schemes of false indictment/prosecution/incarceration and asset seizure of ethnic minority physicians: **"Many aspects of the present-day American medical profession stem from the Flexner Report and its aftermath. The Flexner report has been criticized for introducing policies that encouraged systemic racism."**

88. This fact, as with many others, was submitted in K11-10 (Exhibit ---), was unrefuted/uncontested/unrebutted by the Defendants and or Court and is thus admitted as a fact in support of the K11-14 claims.

FACTS PERTINENT TO THE DEFENDANTS "ONGOING PATTERN OF RACKETEERING"

The UC San Diego Physician Assessment and Clinical Education (PACE) Program

89. In approximately September 2017, Plaintiff Kaul submitted a licensure application to the Pennsylvania Medical Board, and on February 7, 2020, an administrative court conducted a hearing.

90. Plaintiff Kaul's application was granted on May 27, 2020, on the condition he complete an assessment course. In April 2022, Plaintiff Kaul applied to K11-8 Defendant UC San Diego Physician Assessment and Clinical Education PACE Program (**"PACE"),** and from May to July 6, 2022, he underwent the first part of the course, which consisted of two (2) recorded interviews, that were conducted virtually.

91. On July 21/22 Plaintiff Kaul underwent the second part of the assessment, which was conducted on-site in San Diego, was video recorded and for which Plaintiff Kaul generated contemporaneous notes.

92. On October 17, 2022, K11-8 Defendant PACE issued a report replete with knowing falsehoods, as evidenced by Kaul's audio recordings/contemporaneous notes. Plaintiff Kaul repeatedly requested he be provided a copy of his case file/video record, but none was provided, and so Plaintiff Kaul filed suit against Defendant PACE on May 24, 2023, in the United States District Court for the Southern District of California (K11-8), in which Plaintiff Kaul details the conflictual commercial nexus between Defendant PACE and Defendant FSMB-FBM (**Exhibit 25**).

The New York State Medical Board

93. Plaintiff Kaul's February 2021 application to the New York State Medical Board caused this board, in collusion/conspiracy with **The Kaul Cases** Defendants (NYS Medical Board is a commercial partner of Defendant FSMB-FBM) to initiate a fraud that his application was denied based on a supposed board subcommittee's purported opinion of a **"question of moral suitability"**. This was and is a lie.

94. Plaintiff Kaul filed a petition in the New York State Supreme Court seeking a copy of this supposed opinion. The petition was denied on January 3, 2022, and Kaul moved in the First Department of the Appellate Court.

95. Notwithstanding the pendency of the matter in the Supreme Court, the New York State Medical Board scheduled a virtual hearing on October 3, 2022, a hearing attended by approximately twelve (12) persons, including a hearing officer and counsel for the board. The matter was abruptly truncated when Plaintiff Kaul alerted the panel that the issue of the board's fraud was pending in the appellate court.

OTHER FACTS

96. Other relevant facts are incorporated into the legal claims. However, the most salient and irrefutable facts of **The Kaul Cases** Defendants' guilt are found within their ill-conceived May 27,2021 kidnapping of Plaintiff Kaul and their seven-plus-years (2016-2022) commission of securities fraud.

97. These facts, in conjunction with the perjury/obstruction of justice/mail fraud/wire fraud/kickbacks/honest services fraud/extortion/bank fraud/bankruptcy fraud/racketeering/conspiracy/public corruption/judicial corruption/false imprisonment/false arrest committed by **The Kaul Cases** Defendants from 2008/2009 to 2021, are deemed admitted pursuant to F.R.E. 801(d)(2)(b), because they have not, nor could they ever be, denied.

98. The facts in **The Kaul Cases** are irrefutable proof of the K11-14 Defendants grand corruption of American judicial/political/medical bodies, and the effect of that corruption on the Plaintiffs' domestic/international rights/privileges/liberties.

Legal Claims

RICO 1

Association-In-Fact Enterprise: Corporations-Governments-FSMB-FBM/IAMRA-Medical Boards/Councils-NYSE ("CFN Association-In-Fact RICO Enterprise")
Defendant Person: FSMB-FBM
Co-conspirators: Pfizer/Moderna/Astra Zenica/Johnson + Johnson + Corporate Media
RICO Predicate Acts: Wire Fraud/Murder/Manslaughter/Public Corruption/Bribery/Money Laundering

Overview:

99. In a time period commencing in or around May 2020, Defendant FSMB-FBM/agents in collusion and conspiracy with co-conspirators Pfizer/Moderna/agents and others did order American state medical boards and coerce foreign medical councils to compel, under penalty of license suspension/revocation and or medical registration suspension/erasure, its physicians to deceive patients into being inoculated with an mRNA compound that patients were falsely led to believe was a vaccine against COVID, but that Defendant FSMB-FBM and its corporate/state medical board co-conspirators knew was not only not a vaccine, but a substance with immense/lethal toxicity.

100. Defendant FSMB-FBM/co-conspirators were motivated by profit and used the apparatus of law, medicine, business, and government to perpetrate through and attempt to conceal a knowingly illegal scheme/crime against humanity, that involved the commission of a global **"pattern of racketeering"** that converted the NYSE/State Medical Boards/Foreign Medical Councils/American State Governments/Foreign Governments into an association-in-fact enterprise **("CFN Association-In-Fact RICO Enterprise").**

101. The RICO predicate acts included and include fraud/murder/manslaughter/public corruption/bribery/money laundering.

The "CFN Scheme":

102. The scheme involved the sudden and unscientifically explained appearance of the COVID-19 virus (SARSCoV2) in or around late 2019, was rapidly followed by corporate-government emergency orders that forced/coerced the public into becoming inoculated with the mRNA compound/complying with so called draconian 'lockdowns'/bankrupting businesses/closing schools/forcing the useless wearing of masks/restricting travel and arresting/jailing/fining/otherwise penalizing citizens who chose not to comply with these dictates.

103. Defendants FSMB-FBM/Allstate/Geico/TD and their corporate co-conspirators/shareholders generated profits in the billions from the sale of the so-called vaccine to governments, who used tax payer funds to purchase the so called 'vaccine (hereinafter toxin).

104. Structure: In order to attempt to conceal and mitigate the civil/criminal liability of all persons associated in any manner with any element of the conception/research/development/production/marketing/public relations/distribution/storage/professional coercion/defamation of so called 'anti-vaxers/dispensation/inoculation or any aspect with any relevance/connection/association to any facet of the process, Defendant FSMB-FBM and its corporate co-conspirators established a structural hierarchy, through which communications were conducted in a strict manner that limited them, in a militaristic organization, to persons/agencies immediately above or below in the hierarchy, in an attempt to create a plausibility deniability defense

105. The five (5) tiers in descending order are: **(i)** Corporations/Corporate Media: the CEOs/Agents of the toxin manufacturers, that include CEO Joaquin Duato/Agents (Johnson + Johnson) CEO Albert Bourla/Agents (Pfizer), Pascal Soriot/Agents (Astra Zeneca) and CEO Stephane Bancel/Agents (Moderna); **(ii)** Government: persons within the US Food and Drug Administration that authorized the dispensation of the toxin and persons within the US Treasury that authorized tax payers money be diverted to the toxin manufacturers and persons

within the US DOJ that provided immunity to the toxin manufacturers AND persons within international governments/agencies who authorized the use of the toxin and the transfer of wealth from the 'public purse' to the corporate toxin manufacturers; **(iii)** FSMB-FBM/IAMRA: Defendant FSMB-FBM, its CEO/Directors including Humayun Chaudry/Lisa Robbins/Agents and the International Association Medical Regulatory Agencies (IAMRA)/Agents; **(iv)** Medical boards/councils: the executive directors of all medical boards/councils/Agents; **(v)** Medical boards/councils: the physician/lay person members of all American state medical boards/international medical councils/Agents.

106. Functions: The principal and only function of the **"CFN Scheme"** is corporate/shareholder profit, which was/is achieved through governments knowingly illegal diversion of tax payers money to 'vaccine' manufacturers in exchange for the 'vaccine'.

107. However, for the scheme to work it required the participation of Defendant FSMB-/IAMRA and its coercive, punitive, and potentially life-ending 'policing powers' within the global medical profession, to force physicians to both receive and dispense the 'vaccine'.

108. Within the scheme there exist communication channels within and between persons in each tier and a covert system through which bribes/other monies were/are secretly funneled in either tax avoidance/evasion schemes. Taxpayers money became distributed, albeit unevenly, throughout the scheme's participants.

109. The overall coordination of the scheme is conducted by the Corporations/Agents, who use their Corporate Media as a 'whip' to control/intimidate/direct the public and publicly humiliate those that attempt to expose/expose their crimes against humanity.

110. Suppression of free speech regarding the toxicity of the 'vaccine' is a critical element for the perpetration of the scheme, and is achieved by the Corporate Media not reporting the

toxicity/complications/deaths associated and or caused by the 'vaccine', and by the manipulation of internet search algorithms in an attempt to 'bury' such information.

111. To ensure the schemes profits were protected from lawsuits expected by the Corporations, and as further evidence they knew of the 'vaccine's' toxicity, governmental agencies provided them immunity against lawsuits and established so called 'Vaccine Injury Funds to attempt placate the public. Defendant FSMB-FBM/IAMRA have no such immunity.

112. For the scheme to have been successful, it required the knowingly illegal use of the US wires/other modes of digital/non-digital communication to propagate/perpetuate lies/pretexts regarding the safety/effectiveness of the 'vaccine', the symptom mitigating effect of the 'vaccine' and the increased risk of morbidity/mortality of not being 'vaccinated'.

113. The scheme was also furthered by the effect of having publicly ostracized/punished members of the public who refused to be inoculated, this function including the deployment of economic/reputational/social/professional pressure to force the 'vaccine' objectors into becoming inoculated or becoming homeless/poverty stricken/socially ostracized.

The "CFN Association-In-Fact RICO Enterprise" ("CFN")

114. The **"CFN"** is pled consequent to the pleading of the RICO predicate acts and a **"pattern of racketeering"**, which in this case has involved billions of RICO predicate acts, from the conception to the inoculation to the fraud/lies preceding/surrounding/concealing the crimes against humanity, as are codified within the Nuremberg Code.

115. Structure: The elements comprising the **"CFN Association-In-Fact Enterprise"** are **(i)** Corporations/Corporate Media; **(ii)** Government; **(iii)** FSMB-FBM/IAMRA Medical Boards/Councils are separate legal entities that coalesced through conspiracy for the purpose/act of perpetrating a knowingly illegal profit purposed scheme (coerced/forced/mandated 'vaccination') and for the purpose of attempting to use the 'cover'

of government/regulatory agencies to conceal and or otherwise legitimize their crimes against humanity.

116. The knowing/willful/conspiratorial nature of the crimes and the construction of a legal artifact to attempt to conceal/legitimize/immunize against the crimes, do deprive of any immunity (limited/qualified/absolute) the separate legal entities and the **"CFN Association-In-Fact Enterprise"** and thus specifically, the purported immunity granted to the 'vaccine manufacturers' is deprived, and they are subject to suit.

117. Function: The principal purpose of the **"CFN Association-In-Fact RICO Enterprise"** was/is a conduit and 'cover' for the concealed perpetration of a knowing crime against humanity.

118. The mechanism of these two functions – conduit/cover - consists respectively of: **(i)** the scheme and its **"pattern of racketeering"** required and indeed could not have been perpetrated absent the **"CFN"**, which is a critical conduit for the scheme's commission. The power of the **"CFN"** to act as a conduit is illegally derived from the power of government, which itself is derived from the power of the people, and for the **"CFN"** to act as a conduit without the risk of global revolution (revolution already underway in France), required the public be deceived by the **"CFN"** elements into believing the 'vaccine' was indeed a vaccine and was safe/effective, which it is not. The closest analogy would be the lie told to the Nazi concentration camp victims that they were being led to shower rooms, when in fact they were being led into gas chambers for the purpose of extermination; **(ii)** the scheme's 'cover' was effectuated by the perpetration of lies by and through persons/agencies within governmental, non-governmental and media structures with an apparent legitimacy and 'expertise' in healthcare/regulatory related matters.

The RICO Predicate Acts

119. Wire Fraud: In a period commencing in approximately late 2019/early 2020, if not before, Defendant FSMB-FBM commenced conspiring to commit and did commit millions of ongoing

acts of wire fraud in the furtherance/perpetration of the knowingly fraudulent **"CFN"** scheme, a scheme from which Defendant FSMB-FBM profited from the receipt of bribes from manufacturers of the 'vaccine' and associated testing/prevention paraphernalia.

120. The fraudulent communications, transmitted across the US wires, were conducted with their co-conspirators in government and the CEOs/agents at Pfizer/Moderna/Johnson + Johnson, and were purposed to and did in fact increase corporate/shareholder profit and ensure ongoing governmental kickbacks.

121. Defendant FSMB-FBM/co-conspirators committed these acts at the knowing expense/exploitation of human life.

Defendant FSMB-FBM + Co-conspirators Pfizer/Moderna/Astra Zeneca/Johnson + Johnson CEOs Albert Bourla/Joaquin Duato/Pascal Soriot/Stephane Bancel/Agents + Corporate Media

122. Date range: 2019 to 2023

123. Conduits of Communication + Bribery by Pfizer/Bourla/Agents to Defendant FSMB-FBM-FMB/Agents (Executive Directors US and Foreign Medical Boards/Councils): Communication: Directly and through law/public relation firms. Bribery: Directly (disguised as 'philanthropic' donations) and through offshore bank networks

124. Mode of Communication: Email + Voice + SMS (text) + Face to Face

125. Substance of Communication: Scheme to cause knowingly illegal mass inoculation of toxin into human race, while profiteering through the embezzlement of monies from the 'public purse' and eliminating/weakening that percentage of the world's population considered to be infirm/detrimental/unhelpful to the corporate agenda/profits.

Tactics Employed:

126. Use of the US wires to initiate a discussion regarding the scheme.

127. Use of the US wires to communicate that the use of governmental/regulatory/public health /drug regulatory agencies/persons (Anthony Fauci et al) for the scheme's perpetration would provide seemingly legitimate 'cover' which would negate or substantially mitigate the risk of public exposure.

128. Use of the US wires to communicate that the perpetration of the scheme/crimes against humanity in collusion/conspiracy with western governmental agencies/persons, would render criminal charges more likely in courts of the BRICS nations.

129. Use of the US wires to communicate that although Defendant FSMB-FBM had no immunity, it was highly unlikely their involvement would be exposed.

130. Use of the US wires to communicate that it was highly unlikely that any lawyer/person would identify the **"willful misconduct"** immunity exception of Defendant FSMB-FBM's conspiracy/bribery with the 'vaccine' manufacturers.

131. Use of the US wires to communicate the potential profit of billions dollars from the scheme.

132. Use of the US wires to communicate an outline of the scheme.

133. Use of the US wires to communicate the elements of the scheme.

134. Use of the US wires to identify/describe each element of the scheme.

135. Use of the US wires to describe how public fear would be engineered by incorporating into the scheme the elements of (**136-142**):

136. ordering the corporate media's use of the US wires in the willful dissemination/propagation of the knowingly false narrative that contraction of the COVID-19 virus would cause permanent damage and or death;

137. having its corporate hospital partners manipulate hospital death statistics to willfully/knowingly/fraudulently ascribe the deaths to the COVID virus;

138. ordering the corporate media's use of the US wires in the willful dissemination/propagation of the knowingly fraudulent death statistics;

139. ordering the corporate media to produce willfully/knowingly fraudulent video news interviews that involved paid actors posing as persons whose relatives died consequent to the COVID-19 virus;

140. ordering the corporate media's use of the US wires in the willful dissemination/propagation of the knowingly false narrative that so called 'social distancing' and the wearing of face masks reduced transmission;

141. ordering the corporate media to continuously report on persons who were denied employment/housing/healthcare because they refused to be inoculated, wear masks and or engage in so called 'social distancing';

142. ordering the corporate media's use of the US wires in the willful dissemination/propagation of the knowingly fraudulent narrative that governmental members received the 'vaccine' when in fact it was a saline injection.

143. Use of the US wires to describe how, by incorporating into the scheme the following element, fear would be engineered within the global medical community in order to coerce

physicians to inoculate the public and to silence any dissent as to the toxicity/ineffectiveness of the 'vaccine' (**144**):

144. bribing/coercing the executives of medical boards/councils to enact disciplinary policies that forced physicians to become inoculated and to inoculate patients, and to suspend/revoke/erase their licenses/registrations if they either refused self/patient inoculation and or provided digital/non-digital information regarding the toxicity/dangers of the 'vaccine'.

145. Use of the US wires to describe how the power of fear/coercion would be engineered within the global population by incorporating into the scheme the following elements (**146-151**).

146. coopting conspiring with the World Health Organization in the issuance of reports/releases that disseminated as fact, the knowing falsehood that contraction of the COVID-19 virus would cause serious permanent injury and or death.

147. coopting conspiring with the World Health Organization in the issuance of reports/releases that disseminated as fact, the knowing falsehood that the 'vaccine' was safe/effective.

148. coopting conspiring with the US Federal Drug Administration in the issuance of reports/releases that disseminated as fact, the knowing falsehood that the 'vaccine' was safe/effective.

149. coopting conspiring with the US Centers for Disease Control in the issuance of reports/releases that disseminated as fact, the knowing falsehood that contraction of the COVID-19 virus would cause serious permanent injury and or death.

150. coopting and conspiring with governmental public health and drug regulatory agencies/persons across the planet in the dissemination as fact, the knowing falsehoods that

contraction of the COVID-19 virus would cause serious permanent injury and or death and that the 'vaccine' was safe/effective.

151. coopting and conspiring with police forces across the planet in the enforcement through physical force/restraint/incarceration and so called 'lockdowns' of the human race, including those that had been inoculated and wore masks.

152. Use of the US wires to describe how Defendant FSMB-FBM's co-conspirator corporate media partners, would conspire/scheme with the tech industry to corrupt digital news feeds by suppressing any information that exposed the 'vaccine' toxicity and promoted any that extolled its safety.

153.Use of the US wires to describe the critical connection the nexus of the scheme's elements, those of dissemination of lies, the generation of fear, coerced/forced inoculation, behavioral conditioning/modification, the suppression of truth, the absolute enslavement of humanity and the generation of corporate profit.

Defendant FSMB-FBM + Co-conspirators IAMRA/Medical Board/Council Executives:

154. Date range: 2019 to 2023.

155. Conduits of Communication + Bribery by Defendant FSMB-FBM to Executive Directors Medical Boards/Councils: Communication: Directly through the IAMRA and indirectly through law/public relation/political lobbying firms. Bribery: Through the IAMRA and through offshore bank networks.

156. Mode of Communication: Email + Voice + SMS (text) + Face to Face.

157. Substance of Communication: A Scheme in which Defendant FSMB-FBM, an American corporation, in violation of the Foreign Corrupt Practices Act, uses its corruptly procured power to corrupt the 'regulatory/disciplinary' apparatus of foreign medical boards/councils into ordering their executives to perpetrate the Scheme, disguised as policy, that suspended/revoked/erased medical licenses/registrations of physicians who refused to be inoculated/refused to inoculate his patients/advised patients against inoculation/used the internet to communicate any information adverse to the 'vaccine', including but not limited to stating it was lethal, caused permanent injury and was ineffective.

Tactics Employed:

158. Use of the US wires to disseminate the order, falsely disguised as 'COVID Policy', to implement the Scheme of eliminating physicians who either undermined the corporate profit agenda or failed to support it.

159. Use of the US wires to exchange information on a daily basis as to any media or other reports of physicians not complying with the corporate agenda.

160. Use of the US wires to exchange information on a daily basis as to the quota of 'vaccines' being dispensed in various global regions.

161. Use of the US wires to exchange information on a daily basis as to regulatory policing enforcements actions against 'underperforming' physicians

162. Use of the US wires to issue orders to subjugate medical boards/councils to have eliminated underperforming' physicians through license/registration suspension/revocation/erasure.

163. Crimes Against Humanity: Defendant FSMB-FBM and its 'vaccine' manufacturer co-conspirators CEO Joaquin Duato/Agents (Johnson + Johnson) CEO Albert Bourla/Agents (Pfizer), Pascal Soriot/Agents (Astra Zeneca) and CEO Stephane Bancel/Agents (Moderna), knew that the 'vaccine' was toxic and ineffective, and that it would cause death, permanent injury, and generational injury in that 'vaccine' caused genetic mutations/injuries would be transmitted in reproduction.

164. The motivation for these crimes, other than immediate profit from the tax payer funds, lies in the fact that advancing technology, such as Artificial Intelligence, renders obsolete the requirement for humans, and that by eliminating 'useless food eating' humans and their ability to procreate, the so called '1%" will retain an increasingly greater percentage of the planet's resources for themselves and their progeny.

165. Defendant FSMB-FBM/Co-Conspirators have been perpetrating these ongoing crimes since at least 2019, in collusion/conspiracy with governmental agencies/persons, in multiple jurisdictions across the globe, including this jurisdiction, in furtherance of corporate/personal profit, in knowing violation of human rights and with knowledge that the crimes caused, are causing and will continue to cause death and permanent injury.

166. Evidence of these crimes is contained in (**Exhibit 4**) and (**Exhibit 26**).

167. Public Corruption: In a period commencing in approximately, if not before 2019, Defendant FSMB-FBM and its co-conspirators entered into a conspiracy with governmental agencies/persons, in which tax payers monies were funneled from government treasuries to the 'vaccine' manufacturers who then funneled some of these monies as bribes to Defendant FSMB-FBM, its executives and executives associated with medical boards/councils across the globe.

168. The co-conspirator 'vaccine' manufacturers, while bribing Defendant FSMB-FBM/Medical Board and Council Executives, did kickback a percentage of the embezzled tax payer money to corrupt politicians/governmental officials.

169. The injuries caused by this scheme were to the public treasury, to the public health/welfare, to the public's right to honest services, to the public's human rights and to the SOCIAL CONTRACT between the people and government. Defendant FSMB-FBM/Governmental and Corporate Co-Conspirators acts of public corruption have violated and continue to violate the SOCIAL CONTRACT, such that its terms are no longer valid.

170. Bribery: In a period commencing in approximately, if not before 2019, Defendant FSMB-FBM and its medical board/council co-conspirators did receive bribes from the 'vaccine' manufacturer co-conspirators (Johnson + Johnson/Pfizer/Astra Zeneca/Moderna) in a series of quid pro quo schemes, in which the bribes were paid in exchange for Defendant FSMB-FBM's abuse of regulatory power in the coercion of physicians, under threat of license/registration suspension/revocation/erasure into inoculating patients with the 'vaccine', while knowing it would cause death/permanent injury.

171. Defendant FSMB-FBM knew that the more doses dispensed, the more taxpayer monies were funneled from the government to the 'vaccine' manufacturers, the greater their corporate profits and the greater the bribes.

172. The bribes were disguised as 'philanthropic' payments to the corporate vehicle of Defendant FSMB-FBM and were also funneled to offshore bank networks of executives associated with Defendant FSMB-FBM/Medical Boards/Medical Councils, in order to ensure they enforced the coercion of physicians into inoculating patients with the 'vaccine'.

173. Money Laundering: The bribes received by Defendant FSMB-FBM/Medical Board Executives/Medical Council Executives from the 'vaccine' manufacturers as part of a series of

quid pro quo schemes in which physicians under threat of license/registration suspension/revocation/erasure were forced/coerced into knowingly inoculating patients with a substance they knew would cause death and permanent injury, were funneled into, and laundered through offshore bank networks and through Defendant FSMB-FBM's US based tax-deducting corporation and stock market investment vehicles.

174. The financial benefit of bribes was also realized through the laundering-effect of remittance by the 'vaccine' manufacturers to law firms/lawyers to whom Defendant FSMB-FBM owed monies, and whom the 'vaccine' manufacturers retained specifically to launder the bribes, the payment of which directly benefited Defendant FSMB-FBM.

RICO 2
Association-In-Fact Enterprise: United States District Court-NYSE ("SDNY-NYSE Association-In-Fact- Enterprise)
Defendant Persons: Geico
Co-conspirators: Allstate/TD/ICE
RICO Predicate Acts: Bribery/Fraud on the Court/Public Corruption/Money Laundering

Overview:

175. In a time period commencing in approximately September 2021, the Defendants did conspire to commit, and did commit a knowingly illegal **"pattern of racketeering"** and did convert the Chambers of U.S.D.J., James Paul Oetken and the New York Stock Exchange into an association-in-fact enterprise **("SDNY-NYSE Association-In-Fact-Enterprise")** through and under cover of which they perpetrated the RICO predicate acts bribery/fraud on the court/public corruption/money laundering, purposed to eliminate the Plaintiffs by having U.S.D.J. Oetken dismiss K11-7 with prejudice and permanently injunct Kaul/Basch from prosecuting their claims against the Defendants.

176. In the latter half of September 2021, the corporate Defendants did begin conspiring to perpetrate a knowingly illegal scheme (**"SDNY-NYSE Scheme")** against the United States District Court for the Southern District of New York, in which they planned, and did eventually effectuate, a quid pro quo scheme with U.S.D.J. James Paul Oetken, that involved the funneling of non-tangible/tangible favors (stocks/shares/bonds in return for having K11-7 dismissed with prejudice and Kaul/Basch injuncted from further prosecuting **The Kaul Cases** Defendants.

177. In September 2021, the Defendants, having realized that U.S.D.J. Oetken did not intend on dismissing or transferring the case to the District of New Jersey, a court whose judges are on their 'payroll', initiated a series of digital/non-digital communications/meetings in which they agreed that their only option was to bribe U.S.D.J. Oetken.

178. The Defendants and their lawyers discussed the details of how to minimize any exposure of the scheme, and conceal the communications and funneling of bribes, and decided to utilize an 'arms-length' tactic, by co-opting third-party agents as the 'middlemen', a ruse employed by the Defendants for decades in the New Jersey courts.

179. It was not until approximately February 2022, that the specifics of the scheme had been agreed upon and willing third-party agents identified.

180. The next phase involved persuading U.S.D.J. Oetken to participate in the scheme, and consisted of intensive time-consuming third-party mediated communications, which occurred slowly due to the Defendants priority for the maintenance of secrecy and their recognition that if any information were leaked to court staff, it would sabotage the scheme, and cause U.S.D.J. Oetken to withdraw.

181. A substantial part of the time from inception to execution was assigned to the contents of U.S.D.J.'s September 12, 2022, and to the Defendants attempt to effectively and permanently suppress Kaul's ability to vindicate his rights.

182. In these communications, the Defendants' lawyers transmitted across the US wires to non-official emails belonging to U.S.D.J. Oetken and or agents acting on his behalf, the substance of the September 12, 2022, report, which the Defendants intended to disseminate to their shareholders, who had been withdrawing their positions.

183. The Defendants recognized that unless the opinion/order permanently suppressed Kaul's legal rights, their shareholders would continue their withdrawal and their share price would continue to decrease.

184. Subsequent to the September 12, 2022, opinion/order Defendant Allstate's share price has risen, a rise that has enriched U.S.D.J. Oetken, and a rise that is a direct consequence of his illegally procured order. Defendant Allstate continues to launder the proceeds of this crime through the NYSE, and to cause the dissemination of these fraudulent assets into the global equities market, including that in India.

185. In the planning and perpetration of the scheme, neither the Defendants nor U.S.D.J. Oetken discussed nor expected the Plaintiffs to request U.S.D.J. Oetken's financial holdings/exparte communications, nor file a motion for his disqualification, but they did conspire to include verbiage encouraging the Plaintiffs to file an appeal, knowing that an appeal would prohibit a judicial disciplinary investigation, and more likely conceal their corruption of the Court.

186. However, when the Plaintiffs did request U.S.D.J. Oetken's financial holdings/exparte communications, the Defendants in collusion/conspiracy with U.S.D.J. Oetken through their third-party agents, concluded that their optimal option was to ignore the Plaintiffs' request and motion, believing that the Plaintiffs would not ascertain a legal basis on which to render null/void the order, and that even if they did, they would not ascertain the requisite law to exclude U.S.D.J. Oetken from any involvement in a future filing.

187. In the perpetration of this overall scheme, the Defendants have, through their use of the US wires, knowingly committed wire fraud and through their use of the apparatus of the United States District Court, committed honest services fraud against the American public.

RICO 3
Association-In-Fact Enterprise: State of New York-New York State Medical Board-State of Florida-Florida State Medical Board ("NYSMB-FSMB-FBM Association-In-Fact-Enterprise)
Defendant Persons: FSMB-FBM/Geico
Co-conspirator: Allstate
RICO Predicate Acts: Bribery/Fraud on the Court/Public Corruption

Overview:

188. In a time period commencing in approximately April 2021, the Defendants did conspire to commit, and did commit a knowingly illegal **"pattern of racketeering"** and did convert the State of New York/New York State Medical Board/State of Florida/Florida State Medical Board into an association-in-fact enterprise **("NYSMB-FSMB-FBM Association-In-Fact-Enterprise")** through and under cover of which they perpetrated the RICO predicate acts fraud on the court/public corruption, purposed to, in conjunction with the RICO 2 **"SDNY-NYSE Scheme"** and the RICO 4 **"UC-PACE Scheme"**, eliminate Plaintiff Kaul, by attempting to prohibit his access to the courts for compensatory redress and his access to a livelihood.

189. a. In February 2021, Plaintiff Kaul submitted a licensure application to the New York State Medical Board, and on July 14, 2021, an investigator for the state emailed him a letter, stating that his application had been denied by a supposed sub-committee of the board who allegedly found that there existed a **"question of moral suitability". b.** This was and is a lie, as no subcommittee ever considered Plaintiff Kaul's application. **c.** This illegal/fraudulent denial was circulated via the US wires to the National Practitioner Data Bank/Defendant FSMB-FBM and to every state medical board, including Florida.

190. Plaintiff Kaul, after having been informed by this person of his right to appeal, requested a copy of the alleged opinion, in order to ascertain the basis of the opinion, but was informed it would not be provided until the conclusion of the appeal.

191. Plaintiff Kaul indicated he would seek judicial relief if the document was not provided by August 25, 2021, and on September 17, 2021, Kaul filed a petition for an OTSC in the New York State Supreme Court.

192. The petition was directed at Defendant Hengerer and Dr. Howard Zucker, the New York State Health Commissioner, and sought an order compelling production of the alleged opinion.

193. The NY AG responded for the Respondents, arguing that Kaul had no **"clear legal right"** to the document, <u>despite knowing that no such document existed</u>, and the NY AG thus implicitly adopted the Respondents knowingly false position that such a document existed.

194. The Respondents/NY AG propagated their fraud into the New York State Supreme Court, and on January 3, 2022, the judge adopted their fraud and denied Kaul's petition based on **the "clear legal right"** defense.

195. Plaintiff Kaul appealed to the First Department of the New York State Supreme Court, Appellate Division, at which point a senior appellate litigation counsel within the NY AG entered the case.

196. However, in April 2022, while this matter was proceeding through the New York State Supreme Court, Kaul was contacted by counsel for the New York State Medical Board, and advised that his application was to be scheduled for a hearing on October 3, 2022.

197. Plaintiff Kaul re-requested a copy of the alleged opinion of the supposed sub-committee, but none was provided, and in June 2022, Kaul had a senior board member admit that no

subcommittee had ever convened regarding his application and that no opinion had ever been issued (**Exhibit 5).**

198. Plaintiff Kaul served a subpoena on this individual to appear at the October 3, 2022, hearing.

199. The virtual hearing was initiated on October 3, 2022, and was adjudicated by a hearing officer with a panel of approximately twelve (12) members of the New York State Medical Board.

200. As the matter commenced it became immediately apparent to Kaul that the proceeding's sole purpose was to provide cover for the fraud of the alleged opinion and to deny Kaul's appeal.

201. Plaintiff Kaul halted the proceeding by asserting that unless the alleged opinion was produced, the matter could not proceed, and that regardless, the issue of the alleged opinion was pending in the Appellate Court.

202. The hearing officer/panel went off-line for approximately ten (10) minutes, to discuss whether to proceed. Counsel for the board argued that the matter should proceed, but the officer/panel discontinued the hearing, pending the outcome of the Appellate Division.

203. The subpoenaed senior board member did not appear. Kaul subsequently procured a transcript of the approximately twenty (20) minute hearing.

204. The New York State Medical Board is a member of the **"Federation Cartel"** and profits from the fees, fines and other expensive and uselessly proven educational activities that American physicians are forced to undergo to obtain, retain and have licenses reinstated. The

commercial existence of these units of the **"FC"** depends on this revenue stream, and the monies generated from disciplinary actions.

205. The greater the number of state board disciplinary actions, the more affected physicians are shunted into 'Solent-Green' like **"FC"** system, with the majority of physicians being either ethnic minorities and or foreign medical graduates, most of whom have 'slaved' in the American system for decades, and most of whom have their life assets illegally seized by government agencies under direction from the insurance industry.

206. a. The RICO 3 **"NYSMB-FSMB-FBM Scheme"** was conceived of shortly after Plaintiff Kaul commenced his application for licensure in the State of New York, and involved the K11-7 Defendants/agents conspiring/colluding with the New York State Medical Board/agents in the perpetration of a scheme to attempt to prevent Plaintiff Kaul from obtaining a license, **b.** in order to facilitate, in conjunction with the RICO 2 **"SDNY-NYSE Scheme"** and the RICO 4 **"FC-PACE Scheme"**, the elimination of Plaintiff Kaul, **c.** in order to attempt to eradicate the legal/economic/political/public relations threats posed by Plaintiff Kaul's economic resurgence and or their continued prosecution by Plaintiff Kaul in the United States District Court.

207. One of the litigation benchmarks in **The Kaul Cases** appears to be Defendant Allstate's share price, which fell during the pendency of K11-7, and only began to rise after the illegal September 12, 2022, opinion/order.

208. The litigation related fall substantiated the merit of K11-7. Investors withdraw their positions after consultation with litigation counsel.

209. The **"NYSMB-FSMB-FBM Scheme"/ SDNY-NYSE Scheme"/ "UC-PACE Scheme"** emerged in late 2022, and were coordinated principally by the **"FC"** and the corporate K11-7 Defendants, with the purpose of attempting to prohibit Plaintiff Kaul's access to the courts for compensatory redress/evidential disclosure and his access to a livelihood.

210. Within the conspiratorial digital/non-digital communications relevant to the conception, planning and perpetration of the **"NYSMB-FSMB-FBM Scheme"**, the Defendants did not anticipate that Plaintiff Kaul would pursue the issue of the alleged opinion to the Appellate Division, nor have a senior board member admit that no subcommittee was ever convened nor any opinion ever issued, and so they perpetrated their fraud through the state's administrative/judicial/prosecutorial apparatus with a sense of experienced impunity, and with an overall purpose of attempting to contribute to halting Kaul's prosecution of the K11-7 Defendants.

211. The Defendants used the US wires in the perpetration of the **"NYSMB-FSMB-FBM Scheme"** and within the corpus of communication, there exists evidence of a knowingly illegal agreement with the New York State Medical Board that any response to Kaul's application should be delayed, and that if Kaul persisted in requiring a response, a false response should be fabricated without involving any member of the board, but falsely claiming otherwise.

212. It is noteworthy that during the October 3, 2022, hearing, Kaul observed an appearance of 'shock' on the faces of several panel members when he raised the issue that senior members (Dr. Jane Massie/Dr. Raju Ramanathan) had admitted that no subcommittee/opinion had ever been convened/issued.

213. It is the **"pattern"** of the Defendants to conduct their **"pattern of racketeering"** through courts/governmental agencies in a manner that is restricted, for the purpose of secrecy, to a person/limited persons, with whom the Defendants engineer or have already engineered a bribery-based quid pro quo scheme.

214. The immensity of the potential losses of liberty/property/life associated with the crimes of **The Kaul Cases** Defendants, has caused them to coerce others into committing knowing/willful violations of the law and Plaintiff Kaul's human/constitutional rights, with the most recent

coercion consisting of an assurance that U.S.D.J. Oetken's order/opinion would definitely eliminate any threat posed by Plaintiff Kaul.

215. a. The Defendants have conducted this **"pattern of racketeering"** for decades in collusion/conspiracy with the state medical board members of the **"FC",** by using the medical boards purported mission to **"protect the public"** as cover for their profit purposed racketeering crimes of illegally suspending/revoking the licenses of innocent physicians; **b.** In fact, Defendant FSMB-FBM's long-standing mandate to its subjugate medical boards is to increase their quotas of profit-generating 'physician discipline', a scheme to which it attaches monetary incentives for those that meet the corporate quota, or put otherwise corporate 'bonuses'.

216. Defendant FSMB-FBM publishes lists of subjugate medical board ranking in terms of 'disciplinary' actions, in order to 'shame' those in the lower sections into manufacturing higher numbers. The greater the number of actions, the more profit to the **"FC"**, from so called 'fines' and legal/other fees required to regain the illegally seized license.

217. There exists admitted evidence (**Exhibit 27**) that medical boards do not **"protect the public",** as the **"FC"** system of physician discipline related fees/fines and slave physician labor for the insurance industry, is purposed simply for corporate/executive profit. A continuation of a four hundred (400) year **"pattern"**.

RICO 4
Association-In-Fact Enterprise: State of California-UC San Diego Physician Assessment and Clinical Education (PACE) Program
Defendant Persons: FSMB-FBM/Geico
Co-conspirator: Allstate
RICO Predicate Acts: Wire fraud/Conspiracy/Public Corruption

Overview:

218. In a time period commencing in approximately April 2022, Defendants FSMB-FBM/Geico and Co-Conspirator Allstate did conspire to commit, and did commit a knowingly illegal **"pattern of racketeering"** and did convert the State of California and the UC San Diego Physician Assessment and Clinical Education (PACE) Program into an association-in-fact enterprise **("UC-PACE Association-In-Fact-Enterprise")**

219. It was through and under cover of the **"UC-PACE Association-In-Fact-Enterprise"** that Defendants FSMB-FBM/Geico and Co-Conspirator Allstate perpetrated the RICO predicate acts of fraud on the court/public corruption, purposed to, in conjunction with the RICO 2 **"SDNY-NYSE Scheme"** and the RICO 3 **"NYSMB-FSMB-FBM Scheme"**, to attempt to eliminate Plaintiff Kaul by attempting to prohibit his access to the courts for compensatory redress and his access to a livelihood.

220. On May 27, 2020, the State of Pennsylvania granted Kaul's application for licensure after a one-day administrative hearing on February 7, 2020.

221. In order for Plaintiff Kaul to be provided an actual license, he was required to take an assessment course, which he commenced with K11-8 (Kaul v PACE/Leung-USDC-SDC) Defendant PACE in May 2022, with the conduction of three virtual interviews on May 4, June 15, and July 6, 2022.

222. K11-8 Defendant PACE, a for-profit corporation, derives the majority, if not all of its business from the **"FC"**, and prior to Plaintiff Kaul's first interview it knew the FSMB-FBM was a Defendant in K11-7. During the first interview, Plaintiff Kaul detected a suspicious tone, which caused the subsequent two (2) interviews to be recorded.

223. On July 21/22, Plaintiff Kaul completed the second and on-site component of the course at the K11-8 Defendant PACE's facility in San Diego, the entirety of which was video recorded by K11-8 Defendant PACE and from which Plaintiff Kaul retained contemporaneous notes.

224. At the conclusion of the course on July 22, 2022, after Plaintiff Kaul had drafted the final note to be submitted to the evaluation committee, he created a copy of this note for his records.

225. Prior to Plaintiff Kaul's departure he enquired as when he would receive the final report, and was informed it would be emailed directly to him, and only him within eight (8) weeks.

226. On September 22, 2022, not having received the report, Plaintiff Kaul telephoned and was informed by the person responsible for drafting the report that she has allegedly been out on **"sick leave"** and no other staff member had wanted to **"work"** on the report.

227. On October 12, 2022, Plaintiff Kaul received an email from this person, in which she requested Kaul provide her an email/telephone number of a **"contact person"** at the Pennsylvania Medical Board.

228. Plaintiff Kaul instructed this person that the report was NOT to be sent to any person associated with the medical board until he had reviewed it.

229. K11-8 Defendant PACE perpetrated the **"FC-PACE Scheme"** with Defendant FSMB-FBM to render a false and negative report regarding Kaul, and to transmit it directly to the Pennsylvania Medical Board to attempt to cause it to not issue Plaintiff Kaul a license, and to prevent Plaintiff Kaul from exposing its fraudulence and to then claim qualified immunity if and when Kaul sued.

230. The perpetration of this scheme was conducted across the US wires by emails and telephone conversations, and it was agreed that a knowingly false and highly defamatory report would be issued, in which K11-8 Defendant PACE would describe Kaul as not only being a danger to the public, but that he would likely never meet the standards to ever return to the practice of medicine.

231. The K11-7 Defendants conducted the same negative report/opinion/order generating scheme with K11-8 Defendant PACE, as it did with U.S.D.J. Oetken. K11-8 Defendant PACE, in drafting and transmitting the knowingly fraudulent report, did not anticipate that the virtual interviews had been recorded and that Kaul had retained a copies of his contemporaneous notes.

232. On October 17, 2022, K11-8 Defendant PACE used the US wires to transmit to Plaintiff Kaul a copy of their knowingly fraudulent report. It is an eleven (11) page document that Kaul's audio/final note evidence proves is fraudulent.

233. Plaintiff Kaul, having reviewed the report, did then request he be sent a copy of his entire case file, which includes the video recordings of the July 21/22 on-site assessments.

234. K11-8 Defendant PACE continues to withhold the property of Plaintiff Kaul's file.

235. On October 19, 2022, Plaintiff Kaul sent a letter to K11-8 Defendant PACE, in which he included a link to the July 6, 2022, audio recording and re-requested a copy of his file.

236. No file was produced (**Exhibit 4**)

237. On October 31, 2022, Plaintiff Kaul sent a second letter, in which he provided further evidence of the fraudulence of the October 17, 2022, report, and re-requested a copy of his case file.

238. No file was produced.

239. K11-8 Defendant PACE remained in communication with Defendant FSMB-FBM, and used the US wires to discuss what steps it should implement to address Plaintiff Kaul's exposition of their fraud, and Plaintiff Kaul's October 19/31 letters.

240. Within these communications it was agreed that K11-8 Defendant PACE should not amend its fraudulent report, as U.S.D.J. Oetken's September 12, 2022, order/opinion purported to foreclose Plaintiff Kaul from filing suit in the United States District Court, and thus, in their estimation, Plaintiff Kaul could not seek redress for Defendant PACE's violation of his rights.

241. K11-8 Defendant PACE's lawyers obtained a copy of U.S.D.J. Oetken's September 12, 2022, report, and advised K11-8 Defendant PACE that Plaintiff Kaul had no legal recourse for their false report, and that they should send Kaul a letter informing him that they would not amend their report.

242. In the commission of this scheme, K11-8 Defendant PACE knew its misconduct constituted a violation of the wire fraud act, the honest services act and of Plaintiff Kaul's human/constitutional rights, and that their misconduct had converted the University of California – San Diego into a **"racketeering enterprise"** that furthered the interests of the **"FC"** at the expense of the people of the State of California.

243. **The Kaul Cases** Defendants decade-plus-long criminal conspiracy has exposed the State of California to immense domestic/international legal liability.

244. On November 10, 2022, Plaintiff Kaul submitted a FOIA request to the UC-San Diego seeking copies of all physician assessment reports since 2012. K11-8 Defendant PACE was notified of this request.

245. On May 25, 2023, Plaintiff Kaul filed suit against K11-8 Defendants PACE/Leung in the United States District Court.

RICO 5

Association-In-Fact Enterprise: State of Florida-NYSE-SEC ("SNS Association-In-Fact-Enterprise)

Defendant Persons: Geico/Christie

Co-conspirators: TD/Allstate/ICE

RICO Predicate Acts: Securities fraud/mail fraud/wire fraud/money laundering

Overview:

246. In a time period commencing in approximately 2009, the Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE did conspire to commit, and did commit a knowingly illegal **"pattern of racketeering"** and did convert the NYSE/SEC/State of Florida into an association-in-fact enterprise, through and under cover of which they perpetrated thousands of the RICO predicate acts of mail fraud/wire fraud/securities fraud/money laundering, purposed to advance their political/economic agenda.

247. Specifically, Defendant Christie sought to raise monies for gubernatorial and presidential campaigns, while Defendant Geico and Co-conspirators Allstate/TD/ICE sought to increase executive compensation and share price.

248. The Defendants **"State of Florida-NYSE-SEC" ("SNS Scheme")** scheme involved an intersection of the worlds of medicine/business/law/politics, and commenced in 2009, with the purpose of causing injury to Plaintiff Kaul's economic standing/reputation/livelihood/liberty/life through the perpetration of the following acts (**249-255**) of state/court-facilitated misconduct.

249. having Plaintiff Kaul's medical license revoked.

250. eradicating all debt owed to Plaintiff Kaul by insurance carriers (approx. $45 million).

251. destroying Plaintiff Kaul's reputation;

252. eliminating any future financial liability to Plaintiff Kaul.

253. causing Plaintiff Kaul to enter a state of poverty/homelessness;

254. attempting to cause Plaintiff Kaul to be jailed/deported/killed.

255. intimidating other minimally invasive spine surgeons into not performing minimally invasive spine surgery, in order to divert a greater percentage of the public's insurance premiums into corporate/executive compensation.

256. Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE have colluded and conspired to orchestrate both their underlying **"SNS Scheme"** and the subsequent, and multiple schemes to conceal and provide cover for the **"SNS Scheme"**.

257. The concealment has been perpetrated through massive schemes of corruption of state/federal politicians/judges, in an attempt to prevent Plaintiff Kaul from exposing **The Kaul Cases** Defendants and Co-Conspirators decades-long schemes of judicial/public corruption.

258. In 2005, Plaintiff Kaul invented and successfully performed the first outpatient minimally invasive spine surgery, at a NJ surgical center that had credentialed him to perform the procedure, and under the authority of his state medical license; a license issued in 1996 by the State of New Jersey for both medicine and **surgery**.

259. The state argued in administrative proceedings (NJ Office Administrative Law) from April 2 to June 28, 2013, that Plaintiff Kaul was not licensed to perform surgery. In this proceeding the Defendants and the state committed massive fraud, as evidenced in **'The Solomon Critique'** (K1-D.E. 225) + **'The Solomon Critique 2'** (K1-D.E. 299-18).

260. From 2006 to approximately 2009, Plaintiff Kaul was subjected to rule-of reason antitrust violations by **The Kaul Cases** Defendants, who wanted to eliminate the threat of Plaintiff Kaul's rapidly expanding minimally invasive spine surgery practice.

261. In furtherance of this scheme, **The Kaul Cases** Defendants did engage in multiple quid pro quo schemes with Defendant Christie, in which they funneled bribes into his political campaign, purposed to have him use state power to have the medical board revoke Plaintiff Kaul's license, an act that commenced illegally, was conducted illegally, and remains illegal (2008/9-2023)

262. Plaintiff Kaul's license was illegally suspended/revoked on April 2, 2012/March 24, 2014, and **The Kaul Cases** Defendants did with knowing illegality, use the US mail/wires to transmit this fraudulent notice globally to all governmental agencies, all state medical boards, including Florida/National Practitioners Data Bank/DEA/FBI.

263. From 2012 to 2020, pursuant to RICO's vicarious liability doctrine, Defendants Geico/Christie, and Co-Conspirators TD/Allstate/ICE, did conspire to commit, and did commit bankruptcy fraud and insurance fraud, by defrauding Plaintiff Kaul's medical malpractice carriers of millions of dollars through the submission and fraudulent judicial adjudication of false 'medical malpractice' claims, as pled in K11-4.

264. Commencing in 2016, Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE, did extend their **"pattern of racketeering"** into the NYSE, through an ongoing commission of the predicate acts of securities fraud, in that they submitted false SEC filings/accounts, that defrauded, and continue to defraud the global equities market.

265. Based on this knowingly false information, Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE did perpetrate millions of trades with unsuspecting investors, concealing from them the massive risk associated with the purchase of these fraudulent equities.

266. In conjunction with these crimes, Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE did not disclose to the market that its profits, including those from Florida, are the product of crimes, as detailed in **The Kaul Cases**, but yet willfully and with knowledge of its illegality, did launder the proceeds of these crimes through the NYSE.

267. **The Kaul Cases** Defendants have converted the NYSE into a massive money-laundering operation, into which it has funneled the proceeds of its global **"patterns of racketeering"**, including those generated from the mass inoculation (5.5 billion humans) of the experimental toxic gene-splicing mRNA compound.

268. From 2006 to the present, the overarching theme of Defendants Geico/Christie and Co-Conspirators TD/Allstate/ICE crimes, has been the commission of increasingly more serious crimes, in an attempt to conceal their prior crimes, malfeasance and misconduct.

269. What commenced in 2006 with the professional jealousy of Plaintiff Kaul's competitors, of which Defendant Heary was a 'ring-leader', is in 2023, a multitude of felonies that include, amongst others: **(i)** bankruptcy fraud; **(ii)** securities fraud; **(iii)** mail fraud; **(iv)** wire fraud; **(v)** perjury: **(vi)** bribery; **(vii)** obstruction of justice; **(viii)** public/judicial corruption; **(ix)** civil rights violations; **(x)** evidence tampering; **(xi)** witness tampering; **(xii)** false imprisonment; **(xiii)** false prosecution: **(xiv)** insurance fraud; **(xv)** kickbacks; **(xvi)** human rights violations; **(xvii)** retaliation; **(xviii)** false seizure of property; **(xix)** honest services fraud; **(xx)** racketeering; **(xxi)** conspiracy; **(xxii)** market manipulation/money laundering; **(xiii)** crimes against humanity; **(xiv)** violations of the Nuremberg Code.

Co-conspirator ICE:

270. From 2016 to the present, Co-conspirator ICE knew or should have known that Co-conspirators TD/Allstate and Defendant Geico committed securities fraud, in willfully, and with

knowledge of its illegality, failing to report to the market and the SEC their liability in **The Kaul Cases**.

271. Co-conspirator ICE was motivated to willful ignorance and did fail to cross reference court records with the filings of Co-conspirators Allstate/TD and Defendant Geico.

272. Co-conspirator ICE, in recognizing that its profits were tied to those of Defendant Geico and Co-conspirators TD/Allstate did tacitly conspire with these Defendant/Co-conspirators to perpetrate a knowingly illegal scheme of securities fraud concealment, that artificially manipulated the market, and was purposed to prevent a decrease in its share price.

273. Co-conspirator ICE used the US mail and wires to exchange information with Defendant Geico and Co-conspirators Allstate/TD, in furtherance of the **"SNS Scheme"**, in recognition of the illegality of the scheme and the manipulation of the market that would be caused by such a fraud.

274. Co-conspirator ICE did conspire with and did commit a **"pattern of racketeering"** by aiding and abetting the laundering of the criminal proceeds of Defendant Geico and Co-conspirators TD/Geico through the apparatus of the **"SNS Association-In-Fact Enterprise"**, the principal purpose of which was to increase insurance industry executive profit and share price, at the expense, and through the exploitation of Kaul and thousands of other physicians, many of whom remain falsely imprisoned.

275. Co-conspirator ICE, although having reported regulatory/litigation risks in its SEC filings, did willfully and knowingly fail to specifically identify the securities fraud crimes of Defendant Geico and Co-conspirators Allstate/TD and is thus liable for these crimes.

276. Similarly, Co-conspirator ICE is also liable for the crimes from which Defendant Geico/Co-conspirators TD/Allstate's invested criminal proceeds originated, crimes that constituted a

"patterns of racketeering" within the geographic boundaries of the State of Florida, in a period that commenced in at least, if not before, Defendant Christie's first term as governor.

277. a. Co-conspirator ICE recognizes that because it both trades on the NYSE and engages in commerce with global exchanges, which affects the value of those exchanges, that its participation in the **"SNS Scheme"** caused it to become a conduit to these global exchanges of NYSE market valuation that it knew, or ought to have known were false and were the product of crime **b.** but did also become a crime itself [market valuation] consequent to Co-conspirator ICE's global dissemination of a knowingly false market valuation that concealed the fact that the monies underpinning it were derived from the crimes of Defendant Geico and Co-conspirators Allstate/TD

278. Co-conspirator ICE used the US mail/wires to globally transmit knowingly fraudulent information about the market valuation of Defendant Geico and Co-conspirators Allstate/TD in that it omitted any specific reference within its SEC filings of the legal liability ($28,000 trillion +) to the global equities market of **The Kaul Cases**.

279. Co-conspirator ICE, in propagating this knowingly fraudulent information to the global equities market, did recognize its role in false equity evaluations and the creation of a 'bubble market' in India.

280. Co-conspirator ICE's Indian headquarters is Hyderabad (Kaul's birthplace), and it is cognizant of the fact that the Indian stock market is currently reported as being in a 'bubble' by the Reserve Bank of India. On December 16, 2022, Plaintiff Kaul has filed a notice of litigation against Defendant ICE (India) (**Exhibit 27**)

281. Defendant ICE recognizes that the false evaluations of the NYSE are responsible for the Indian 'bubble', and that the false evaluations of the NYSE are a consequence of the Defendants financial crimes.

282. Co-conspirator ICE committed and continues to commit a massive fraud on the global financial market.

Christie:

283. From 2000, the year that Defendant Christie was appointed the US Attorney for the District of New Jersey, he has abused state power and converted state/federal agencies into **"racketeering enterprises"**, through which he has conducted a **"pattern of racketeering"** purposed to further the economic/political agendas of himself and those individuals with whom he engaged in quid pro quo schemes of bribery and public corruption.

284. Commencing in or around 2008/2009, Defendant Christie entered into knowingly illegal conspiracies with Defendant Geico and Co-conspirators Allstate/TD, in which they methodically planned schemes to have eliminated Plaintiff Kaul (economic standing/reputation/livelihood/liberty/life) through the abuse of governmental power and **physical violence.**

285. Defendants Christie/Geico and Co-conspirators Allstate/TD/ICE conspired with state/federal investigative/prosecutorial authorities to file knowingly false criminal indictments against Plaintiff Kaul. These investigations ceased when Plaintiff Kaul filed K1 (February 22, 2016) except for, in a retaliatory manner, the filing of a knowingly false state tax complaint (May 2016) and suspension of Plaintiff Kaul's driving license (February 27, 2016).

286. From 2009 to 2017, Defendant Christie converted the executive/legislative/judicial branches of the State of New Jersey into a **"racketeering enterprise"**, that he used against Plaintiff Kaul, in a scheme to have him jailed/deported/seriously injured/killed.

287. The scheme sought to eliminate the debt owed to him by the insurance industry.

288. The scheme sought to eliminate future liability to Plaintiff Kaul by the insurance industry.

289. The scheme sought to eliminate the threat that Plaintiff Kaul's minimally invasive spine surgery practice posed to **The Kaul Cases** physician/hospital Defendants, from whom, along with Defendant Geico and Co-Conspirators Allstate/TD, Defendant Christie had received bribes.

290. Defendant Christie believed that he would become the 2016 President of the United States, that Plaintiff Kaul would be eliminated, and the crimes of **The Kaul Cases** Defendants would go undetected, and that Plaintiff Kaul would not commence litigation in 2016.

291. However, when Plaintiff Kaul did commence litigation, Defendant Christie, in collusion/conspiracy with **The Kaul Cases** Defendants and certain judges within the United States District Court, did perpetrate a massive scheme of obstruction of justice, that violated Plaintiff Kaul's human rights, and was intended to prevent Plaintiff Kaul from exposing the crimes, and to obviate the obligation of Defendants Allstate/TD/Geico (Berkshire Hathaway) to report the $28,000 trillion + in their SEC filings.

292. In the perpetration of the **"SNS Scheme"**, Defendant Christie did use the US mail/wires to exchange information with **The Kaul Cases** Defendants regarding the bankruptcy and securities fraud, as it pertained detrimentally to the share price of Defendants Allstate/TD/Geico.

293. In aiding and abetting the **"SNS Scheme"**, Defendant Christie did fully recognize its illegality and the international criminal consequences of his participation in the defrauding of the global equities market.

294. Defendant Christie, nonetheless, did persist in the perpetration of the scheme out of fear that if the $28,000 trillion + liability were disclosed to the global equities market, it would cause shareholder litigation, that would expose the massive crimes committed by **The Kaul Cases**

Defendants within the executive/legislative/judicial branches of the State of New Jersey, the United States District Court, and the United States Bankruptcy Court (2006 to Present).

295. Defendant Christie was also motivated to aid and abet the securities/bankruptcy fraud, as he had been bribed with shares from Defendant Geico and Co-conspirator Allstate, as part of the quid pro quo scheme in which he ordered the medical board to revoke Plaintiff Kaul's license.

296. Defendant Christie maintains a controlling position within the **"SNS Association-In-Fact Enterprise"** from which he continues to illegally profit, the profits of which he launders through the enterprise of his political lobbying/law business, that currently provide cover for his **"ongoing"** schemes of bribery and public corruption.

Defendant Geico/Co-conspirator Allstate:

297. Plaintiff Kaul commenced suit against Defendant Geico and Co-conspirator Allstate on February 22, 2016, in K1, in which Plaintiff Kaul sought $28,000 trillion + in monetary damages. Allstate's market capitalization was approximately $33 billion, and thus it was obligated to report the claims in its SEC filings. It did not, and still has not.

298. Pursuant to RICO's vicarious liability doctrine, Defendant Geico remains liable for the securities violation of its Co-conspirator, Allstate.

299. Co-conspirator Allstate, in recognizing the immense civil/criminal consequences of disclosure, and the damage to its reputation within the global equities market, did conspire with Co-conspirator ICE in its withholding of this information.

300. Co-conspirator ICE was motivated to participate in the **"SNS Scheme"** as its share price and corporate profits were linked to those of Co-conspirator Allstate, and it recognized that

exposure to the global equities market of the $28,000 trillion + liability had the potential to bankrupt Co-conspirator Allstate.

301. Co-conspirators ICE/Allstate did use the US mail/wires and face-to-face meetings to exchange information about the **"SNS Scheme"**.

302. Within the corpus of communication, Co-conspirators ICE/Allstate concluded that the risk of Plaintiff Kaul exposing a securities fraud violation was minimal compared to the risk of bankruptcy if **The Kaul Cases** were exposed to the global equities market.

303. Co-conspirator Allstate, in recognizing that Co-conspirator ICE would not report its false filings to the SEC/DOJ, did continue to fraudulently trade millions of shares from 2016 onwards, in the knowledge of its illegality, and that it would cause false market valuations, market manipulations and investors to be defrauded.

304. Co-conspirator Allstate reaped illegal profits from the **"SNS Scheme"**,

305. Co-conspirator Allstate funneled the illegal profits as bribes to certain judges within the United States District Court (K11-3) and certain state/federal politicians (K11-1), in order to control the **"racketeering enterprise"** into which **The Kaul Cases** Defendants had converted certain courts (district/appellate) within the United States District Court.

306. In a period commencing in approximately 2008/2009, Co-conspirator Allstate, a corporation that conducts business in every state, did, through a **"pattern of racketeering"**, and in conspiracy/collusion with **The Kaul Cases** Defendants, convert into **"racketeering enterprises"** the State of Florida/All Other American States, the United States District Court, the United States Bankruptcy Court, the New York Stock Exchange and state/federal investigative/prosecutorial authorities, all purposed to eliminate Plaintiff Kaul from the American healthcare market and life itself.

307. Co-conspirator Allstate then used the **"racketeering enterprises"** (State of Florida/All Other American States, the United States District Court, the United States Bankruptcy Court, the New York Stock Exchange, and state/federal investigative/prosecutorial authorities) to attempt to obstruct Plaintiff Kaul's litigation/license procurement, in order to provide cover for their crimes, when their Kaul elimination scheme failed (2008/9 to 2021).

Co-conspirator TD:

308. On February 22, 2016, with the filing of K1, Plaintiff Kaul did expose the crimes of Co-conspirator TD, and their role in the willful deprivation of Plaintiff Kaul's economic resources, necessary to fight the revocation proceedings filed by Defendant Christie's then state AG, Jeffrey Chiesa.

309. In K1, Plaintiff Kaul also exposed Co-conspirator TD's knowingly illegal/conspiratorial use of state/bankruptcy courts within the geographic boundaries of the State of New Jersey to bankrupt Plaintiff Kaul's corporations and illegally deprive him of his personal/business assets ($45 million accounts receivable/others).

310. Co-conspirator TD, a corporation that conducts business in Florida/All Other American States, commenced conspiring with Defendants Christie/Geico and Co-conspirator Allstate in or around 2010, in a series of quid pro quo schemes, in which Co-conspirator TD received regulatory favors from Defendant Christie in return for arbitrarily foreclosing on Plaintiff Kaul's personal/commercial loans.

311. Defendant Geico/Co-conspirator Allstate had bribed Defendant Christie to eliminate Plaintiff Kaul.

312. Defendant Christie's quid pro quo with Co-conspirator TD, was partially purposed to deprive Plaintiff Kaul of monies to litigate the licensing case against the State of New Jersey.

313. Defendant Christie's quid pro quo with Co-conspirator TD, was partially purposed to bankrupt his corporations in order to facilitate the elimination of debt ($45 million) owed to Plaintiff Kaul by the insurance industry.

314. Co-conspirator TD, in recognizing the immense civil/criminal liability of **The Kaul Cases**, did conspire with Co-conspirator ICE to conceal the litigation from the global equities market, and did submit false SEC filings and accounts from 2016 to 2021,

315. Co-conspirator TD submitted false SEC filings in the belief that Kaul would not expose its prior crimes, as **The Kaul Cases** Defendants had bribed certain judges within the United States District Court and the United States Bankruptcy Court.

316. Co-conspirator TD submitted false SEC filings with a sense of impunity derived from its knowledge of the fact that Defendant FSMB-FBM acting through the **"Federation Cartel"** would attempt to obstruct Plaintiff Kaul's efforts at license procurement.

317. Co-conspirator TD submitted false SEC filings with a sense of impunity derived from its belief that **The Kaul Cases** Defendants obstruction of Plaintiff Kaul's litigation and the **"FC"**s obstruction of license procurement, would collectively obstruct Plaintiff Kaul from procuring funding to litigate and even if he did, to actually litigate.

318. From 2016 onwards Co-conspirator TD did use the US mail/wires and engage in face-to-face meetings with Defendants ICE/Allstate/Geico/Christie, in furtherance of the **"SNS Scheme"**.

319. At these meetings, and within these communications, Defendants Christie/Geico and Co-conspirators Allstate/ICE did discuss and conclude that the risk of Plaintiff Kaul exposing their securities fraud violation was substantially outweighed by the risk of disclosing the $28,000 trillion + liability to the global equities market.

320. In conspiring with **The Kaul Cases** Defendants, Co-conspirator TD did recognize the illegality of their failure to disclose and did follow the advice of counsel in failing to disclose.

321. Co-conspirator TD's counsel did conspire/collude with counsel for **The Kaul Cases** Defendants in furtherance of the **"SNS Scheme"**, for the purpose of concealing their prior crimes,

322. Co-conspirator TD's prior crimes involved massive schemes of judicial/public corruption, at the center of which was Defendant Christie, his presidential ambitions, and the commercial agendas of corporations/persons from whom Defendant Christie had received bribes.

333. Co-conspirator TD, in willfully committing securities fraud and defrauding the global equities market of their right to honest services, did perpetrate such a scheme with the premeditated purpose of violating Plaintiff Kaul's litigation rights, in that it stymied his 'whistleblowing' on the crimes of **The Kaul Cases** Defendants.

334. Defendant Geico and Co-conspirators Allstate/TD did recognize that disclosure to the global equities market would cause investors to withdraw their stock position, as occurred with K11-2 Defendant Boston Partners, after Plaintiff Kaul informed them in November 2018 of the pending litigation in K1/K2.

335. Defendant Geico and Co-conspirators Allstate/TD did recognize that a disclosure of the $28,000 trillion + liability would cause massive shareholder litigation and damaging publicity regarding their schemes of judicial/public corruption, and that this litigation/publicity would augment Plaintiff Kaul's prosecution rights.

336. Defendant Geico and Co-conspirators Allstate/TD knowing, and willful violation of the Sarbanes-Oxley Act was purposed to provide cover for their previous crimes against Plaintiff Kaul (bribery/mail fraud/wire fraud/judicial corruption/public corruption/civil rights

violations/perjury/kickbacks/false arrest/false imprisonment/obstruction of justice/illegal seizure of assets/money laundering/bankruptcy fraud/bank fraud), and were purposed to, and did in fact, violate Plaintiff Kaul's prosecutorial rights.

RICO 6

Association-In-Fact Enterprise: State of Florida-United States Bankruptcy Court-NYSE
Defendant Persons: Geico/Stolz
Co-conspirators: Allstate/TD
RICO Predicate Acts: bankruptcy fraud/mail fraud/wire fraud/public corruption/bank fraud/securities fraud/money laundering

Overview:

337. In a period from approximately 2008/2009 to 2013, Defendant Geico and Co-conspirators Allstate/TD, entities that conduct business in all states, did commence conspiring to commit, and did commit a **"pattern of racketeering"** through the enterprise of the State of Florida/All Other American States.

338. From 2013 to 2016, Defendant Geico and Co-conspirators Allstate/TD did extend and amplify this "**pattern of racketeering**" into the United States Bankruptcy Court.

339. From 2016 onwards, Defendant Geico and Co-conspirators Allstate/TD and did extend and amplify this **"pattern of racketeering"** into the NYSE, to form an association-in-fact enterprise, the **"State of Florida-United States Bankruptcy Court-New York Stock Exchange Association-In-Fact Enterprise" ("SUN-Association-In-Fact Enterprise").**

340. The Defendant Persons that orchestrated, controlled, aided, and abetted, and that did either occupy or effect controlling positions within the enterprises were Defendants Stolz/Geico.

341. The Co-conspirators, Allstate/TD and specifically, K11-3 Defendant/U.S.B.J. John Sherwood, did aid and abet Defendants Stolz/Geico's perpetration of their **"SUN Scheme"** through a "**pattern of racketeering".**

342. The **"pattern of racketeering"** involved the commission of the RICO predicate acts of mail fraud/wire fraud/perjury/obstruction of justice/kickbacks/judicial corruption/public corruption/money laundering/bankruptcy fraud/bank fraud/securities fraud,

343. The **"pattern of racketeering"** and the RICO predicate acts were knowingly/willfully committed, and with knowledge of their illegality, through a purposeful conversion of the State of Florida/U.S.B.C./NYSE into **"an association-in-fact racketeering enterprises"**, the principal purpose of which was to increase executive/corporate profit and compensation for Defendant Geico, who funneled bribes to Defendants Stolz/Geico/Christie.

344. The bribes funneled by Defendant Geico to Defendants Stolz/Christie were either disguised as 'legal fees'/political campaign 'donations', or deposited in offshore bank accounts/trusts.

345. Defendants Stolz/Geico/Christie and Co-conspirators Allstate/TD did use the US mail/wires and conduct face-to-face meetings in Florida, for the purpose of devising, planning, and executing the knowingly illegal **"SUN Scheme"**.

346. Defendants Stolz/Geico/Christie and Co-conspirators Allstate/TD, in the initial planning of their criminal enterprise did not anticipate that in 2016, Plaintiff Kaul would commence litigation, or that the damages sought would be in excess of ten percent (10%) of their market capitalization.

347. In fact, Defendants Stolz/Geico/Christie and Co-conspirators Allstate/TD believed that Plaintiff Kaul would be deported/jailed/killed, and on May 27, 2021, they did, in a state of

desperation, perpetrate a scheme in which Plaintiff Kaul was illegally arrested/kidnapped/imprisoned, with the intention of having him permanently injured or killed in the Mercer County jail in Trenton, New Jersey.

348. The scheme failed, and Plaintiff Kaul filed suit on June 15, 2021, against K11-9 Defendants Christopher J. Christie/Philip Murphy/Doreen Hafner/Gurbir Grewal/Robert McGuire.

349. Defendants Stolz/Geico/Christie and Co-conspirators Allstate/TD, in recognizing their $28,000 trillion + liability, did conspire with Co-conspirator ICE, in the concealment of this information from the global equities market, in which Defendant Geico (Berkshire Hathaway) and Co-conspirators Allstate/TD trade.

350. In 2012, Co-conspirator Allstate extended its operations into India, while simultaneously conducting, in collusion/conspiracy with American state/federal investigative/prosecutorial authorities, policies of racially targeting Indian physicians for license revocation and imprisonment.

Defendant Geico/Co-conspirator Allstate:

351. In June 2013, Co-conspirator TD, in furtherance of the Defendants **"racketeering schemes"** (2008/2008-2023) caused Plaintiff Kaul's corporations to file for Chapter 11 bankruptcy, by arbitrarily/illegally cancelling all his personal/business loans and closing all his personal/business accounts.

352. On July 21, 2014, the Chapter 11 was converted to a Chapter 7, because of the illegal revocation of Plaintiff Kaul's license on March 24, 2014. Defendant Stolz and his now deceased law partner, Robert Wasserman, were assigned as the trustee.

353. In a period that commenced in approximately July 2014, Defendant Geico/Co-conspirator Allstate did enter into a conspiracy with Defendant Stolz, in which Defendant Stolz accepted bribes from Defendant Geico/Co-conspirator Allstate in return for not pursuing the $45 million accounts receivable owed to Plaintiff Kaul by Defendants Geico/Co-conspirator Allstate and others within the insurance industry, as is irrefutably pled in K4.

354. Defendant Geico/Co-conspirator Allstate did use the US mail/wires and face-to-face meetings with Defendant Stolz to exchange information regarding the perpetration of the **"SUN Scheme"**, the purpose of which was to increase share price/executive compensation and bribes to Defendant Stolz.

355. During these communications, Defendants Geico/Stolz and Co-conspirator Allstate did consider the money laundering risk posed by the investment of the proceeds of their crimes into the NYSE.

356. Defendants Geico/Stolz and Co-conspirator Allstate calculated that the risk was minimal, as Plaintiff Kaul would be eliminated and any person who had knowledge of the crimes would remain silent, fearful of retaliation of a criminal indictment from Defendant Christie, who was still the NJ Governor.

357. Defendants Geico/Stolz and Co-conspirator Allstate calculated that their illegal scheme would cause an elevation of share price, the false basis of which would be concealed from the global investment community.

358. Subsequent to the filing of K1, the Defendants Geico and Co-conspirators Allstate/TD did conspire to not report the case in their SEC filings, in order to provide cover for, amongst other things, their crime of bankruptcy/creditors fraud.

359. However, in filing knowingly false SEC returns, they committed securities fraud, a crime that they have committed before, but in this case, a crime that commenced in 2016, and is ongoing in 2023.

360. On May 27, 2021, **The Kaul Cases** Defendants attempted to have Plaintiff Kaul seriously injured or killed (K11-9).

Defendant Stolz:

361. Defendant Stolz, a lawyer, knew that in conspiring to commit and committing the RICO predicate acts of bankruptcy fraud/securities fraud/mail fraud/wire fraud, through a **"pattern of racketeering"** in which he converted the United States Bankruptcy Court into a **"racketeering enterprise"**, for a period commencing on July 21, 2014, he has defrauded the global equities market of its right to honest services, caused injury to foreign markets and has thus incurred international criminal liability.

362. Plaintiff Kaul has exposed the crimes of Defendant Stolz, who from 2018 conspired with corrupted judges in the District of New Jersey to prevent Plaintiff Kaul from prosecuting his claims against Defendant Stolz.

363. The tactics used by Defendant Stolz included having Co-conspirator/K11-3 Defendant U/S.B.J. John Sherwood enter an order in February 2020, that sought to bar Plaintiff Kaul from prosecuting Defendant Stolz for his crimes.

364. Co-conspirator/K11-3 Defendant Sherwood, as plausibly and irrefutably pled in K11-3, did accept bribes from Defendant Geico/Co-conspirator Allstate and K11-11 Defendant Blue Cross Blue Shield in return for entering judgements adverse to Plaintiff Kaul/creditors in the bankruptcy proceedings (July 21, 2014, to July 31, 2020).

365. **The Kaul Cases** Defendants 'hijacked' the authority of the United States Bankruptcy Court through massive schemes of judicial corruption/bribery.

366. When Plaintiff Kaul commenced litigation against Defendant Stolz in 2018 (K4) Defendant Stolz and his lawyer, Scott Rever, desperate to prevent their prosecution by Plaintiff Kaul, did threaten to expose the names of state/federal politicians and judges, who had either participated/facilitated his bankruptcy fraud in Plaintiff Kaul's case, or had received bribes from the insurance industry in cases involving other physicians/healthcare providers.

367. From 2016 to the present, Defendant Stolz, with knowledge of Defendant Geico/Co-conspirators Allstate/TD's securities fraud crimes, has failed to report the crimes to regulators or the global equities market, as he recognizes that to report would expose his crime of bankruptcy fraud, and the crimes/malfeasance of all of **The Kaul Cases** Defendants, extending back to 2006.

368. Defendant Stolz has knowledge that Defendant Geico/Co-conspirators Allstate/TD did conspire with Co-conspirator ICE to conceal from the global equities market, their $28,000 trillion + liability.

369. Defendant Stolz has knowledge that Defendant Geico/Co-conspirators Allstate/TD did conspire with the SEC to have K11-9 Defendant/Co-conspirator and ex-NJ AG Gurbir Grewal, transferred on June 29, 2021, from the Office of the NJ AG to the securities fraud enforcement division, after Plaintiff Kaul sued him in K11-9 for his role in the May 27, 2021, kidnapping of Plaintiff Kaul.

370. Defendant Stolz has knowledge that K11-2 Defendant, Boston Partners, admitted to withdrawing its position in Co-conspirator Allstate, after they received a letter from Plaintiff Kaul in November 2018, that informed them of securities fraud violations committed by

Defendant Geico/Co-conspirators Allstate/TD, in submitting knowingly false SEC filings in a period from 2016 onwards.

Defendant TD:

371. In approximately 2010, Co-conspirator TD commenced conspiring against Plaintiff Kaul with Defendants Geico/Christie and Co-conspirator in a scheme to eliminate Plaintiff Kaul through the destruction of his career/livelihood/reputation/economic standing.

372. In furtherance of this scheme, Co-conspirator TD used the US mail/wires to transmit information regarding the scheme's devising/implementation/execution, in the knowledge that such transmission constituted the crimes of mail/wire fraud.

373. However, Co-conspirator TD did not believe that Plaintiff Kaul would expose its crimes, as it received information from Defendants Christie/Geico and Co-conspirator that Plaintiff Kaul would be eliminated.

374. Co-conspirator TD entered into a series of quid pro quo schemes with Defendants Geico/Christie and Co-conspirator Allstate in which they conducted a **"pattern of racketeering"** through the American banking system and United States Bankruptcy Court, through the commission of the RICO predicate acts of mail fraud/wire fraud/bankruptcy fraud/bank fraud.

375. Co-conspirator TD, in its conspiratorial role in the nationwide licensing suspension/licensing prohibition scheme directed at Plaintiff Kaul that commenced in 2012 in NJ, did subsequently convert into an **"association-in-fact racketeering enterprise"**, the State of Florida/United States Bankruptcy Court/NYSE in the knowledge of the immense civil/criminal liability that such crime, if exposed, would cause to them and their shareholders.

376. In approximately late 2013/2014, Co-conspirator TD, in collusion/conspiracy with Defendants Geico/Christie and Co-conspirator Allstate did file a knowingly false banking fraud claim against Kaul, with www.checksystems.com.

377. The purpose and effect of this fraudulent www.checksystems.com claim was to prevent Plaintiff Kaul's access to banking services, cause a deterioration in his credit score in order to prevent him funding the licensing litigation.

378. Co-conspirator TD did not anticipate that Plaintiff Kaul would sue them in 2016, nor that he would expose their securities fraud violation (2016 to present).

379. During the Chapter 11 and then Chapter 7 bankruptcy proceedings (June 17, 2013, to July 31, 2020), Co-conspirator TD, with knowledge of the illegality of the revocation of Plaintiff Kaul's license, and the **"racketeering schemes"** perpetrated by, amongst others, Defendants Geico/Christie and Co-conspirator Allstate that caused the revocation/subsequent legal cases against Plaintiff Kaul, did conspire with its counsel to not report the bankruptcy fraud to authorities.

380. Co-conspirator TD's reason for failing to report the bankruptcy fraud was that it did not want exposed its prior crimes and involvement in **The Kaul Cases** Defendants scheme to eliminate Plaintiff Kaul (livelihood/reputation/assets/freedom/human rights).

381. Co-conspirator TD conspired with Defendants Stolz/Geico and Co-conspirator Allstate and K11-2 Defendant, John Diiorio, Esq, Plaintiff Kaul's Chapter 7 lawyer, to threaten Plaintiff Kaul that unless he signed over title to the real estate in which his surgical center was located, despite it belonging to a corporation not part of the Chapter 11 proceeding, that Plaintiff Kaul's ex-wife would be sued by Defendant Stolz and she/Plaintiff Kaul's young children would be evicted from their childhood home.

382. In a period from 2016 onwards, Co-conspirator TD conspired with its lawyers/accountants to defraud the global equities market of its right to honest services, through the submission of false SEC filings and accounting reports.

383. Co-conspirator TD perpetrated these criminal deceptions on the global equities market, in the belief, and with the intention of violating Plaintiff Kaul's prosecutorial rights in K1, knowing that disclosure of the K1 facts and $28,000 trillion + liability would have caused investors to withdraw their positions and commence shareholder litigation.

384. Co-conspirator TD knew that shareholder litigation would have exposed their crimes, that include those associated with the purchase of Commerce Bank in 2007, in which they bribed multiple NJ state politicians in a 'pay-to-play' scheme, in order to complete the purchase.

385. Co-conspirator TD knew that such an exposition of crime would have conclusively proved Plaintiff Kaul's claims in K1 and specifically the fact of the 2009/2010 quid pro quo scheme with Defendant Christie, in which Co-conspirator TD, in exchange for regulatory banking favors in New Jersey, did consent to cancelling Plaintiff Kaul's personal/commercial loans, closing his accounts and filing a knowingly fraudulent claim with www.checksystems.com

RICO 7

Association-In-Fact Enterprise: State of Florida-United States District Court
Defendant Persons: Christie/Heary
Co-conspirator: AHS
RICO Predicate Acts: mail fraud/wire fraud/bribery/obstruction of justice/public corruption/money laundering

Overview:

386. In a period commencing in approximately 2006, Defendants Christie//Heary and Co-conspirator AHS commenced conspiring to commit, and did commit, a **"pattern of racketeering"** through the association-in-fact enterprise of the State of Florida and the United

States District Court, the **"SU Association-In-Fact Enterprise"**, in furtherance of the **"SU Scheme"**,

387. Defendants Christie//Heary and Co-conspirator AHS perpetrated the **"SU Scheme"** through the commission of the RICO predicate acts of mail fraud/wire fraud/bribery/public corruption/obstruction of justice/perjury/kickbacks/bank fraud/investor fraud.

388. A motivating factor for the **"SU Scheme"** was to increase Defendants Christie//Heary and Co-conspirator AHS's economic/political power within the American legal/medical/business/political sectors of industry, at the expense of Plaintiff Kaul, free standing surgical centers, and non-neurosurgical minimally invasive spine surgeons,

389. A reassuring factor in the "**SU Scheme"**, one that provided a sense of impunity, was Defendant Christie/Heary and Co-Conspirator AHS's belief that through corruption, they could indefinitely pervert the United States District Court into providing cover for their crimes within the State of Florida/All Other American States.

Defendant Christie:

390. In 2000, when Defendant Christie was appointed the US Attorney for the District of New Jersey, he commenced abusing state prosecutorial power for advancement of his personal/political/economic agendas by manufacturing false indictments to threaten persons with criminal prosecution in order to coerce them into funneling money (directly/indirectly) into his political campaigns and offshore bank accounts/trusts.

391. Defendant Christie used this money to occupy the governor's office in 2009/2013, from which he continued the **"pattern of racketeering"** of extortion and quid pro quo scheme bribery, in which bribes were funneled into his political campaigns/offshore bank accounts by, amongst others, Defendant Heary and Co-conspirator AHS.

392. The quid pro quo schemes were purposed to have eliminated Plaintiff Kaul from the healthcare market and from life itself.

393. The quid pro quo schemes were purposed to have eliminated free standing surgical centers.

394. The quid pro quo schemes were purposed to have eliminated billing codes for outpatient spine surgery.

395. The quid pro quo schemes were purposed to have introduced legislation that prevented the issuance of state licenses for physician owned surgical centers

396. The quid pro quo schemes were purposed to have downgraded the RVU of billing codes for spine surgery in free standing physician owned surgical centers.

397. These illegally conducted tactics were part of an overall strategy perpetrated by for-profit healthcare corporations, such as Defendant Geico and Co-conspirators Allstate/AHS, to illegally monopolize, through both per se/rule of reason violations, the American healthcare market.

398. At the heart of this conspiracy lies the **"HIPIC-FC" ("Hospital-Insurance-Pharmaceutical-Industrial Complex – Federation Cartel")** and related to this is the **"Hospital-Insurance-Pharmaceutical-Industrial-Complex-US Government Cartel"** the **"HIPIC-USC".**

399. These two cartels, **"HIPIC-FC"** and **"HIPIC-USC"**, operate to eliminate physicians through license revocation/incarceration/suicide/death, in order to increase the corporations' profits/share price, by reducing the amount of patient care provided, by reducing the number of physicians.

400. Defendant Christie, in his capacity as the US Attorney did come to understand the mechanics of the securities market, and was involved with securities fraud cases. Co-

conspirator ICE came into existence as recently as 2000, the year Defendant Christie became US Attorney, but yet by 2021 it has a market capitalization of $68 billion.

Bribery:

401. Defendant Christie's relationship with bribers, bribery and quid pro quo schemes extends back to his early political/legal career in Morris County, New Jersey.

402. In a time period from 2008 to 2016, Defendants Heary and Co-conspirator AHS funneled bribes to Defendant Christie, using as cover, his political campaign account and law/public relation/political lobbying firms with whom Defendant Christie conducted illegal transactions, in which he used the public treasury to funnel state contracts to these firms in return for bribes.

403. The bribes flowed from Defendants Heary and Co-conspirator AHS to Defendant Christie, and the public's money (kickbacks) flowed from Defendant Christie to Defendants Heary ($3.1 million state 'salary') and Co-conspirator AHS, in the form, amongst others, of government grants and tax deductions/exemptions.

Mail Fraud/Wire Fraud:

404. In a period from 2008 to 2021 Defendant Christie did, with knowledge of its illegality, use the US mail/wires to exchange information with Defendants Heary and Co-conspirator AHS in furtherance of the **"SU Scheme"**, for the purpose of illegal spine market monopolization (2008-2014)

405. In a period from 2008 to 2021 the Defendants and the Co-conspirators did, with knowledge of its illegality, use the US mail/wires to exchange information regarding the provision of cover in the United States District Court against Plaintiff Kaul's prosecution of their antitrust/racketeering/civil rights crimes (2016-2021).

406. The attempted procurement of cover constituted an effort to ensure Plaintiff Kaul did not expose **The Kaul Cases** Defendants illegal spine market monopolization.

Obstruction of Justice:

407. In a period from 2012 to 2021, Defendant Christie did conspire to commit, and did commit an obstruction/violation of Plaintiff Kaul's right to justice by, through and as a consequence of his control of the executive/judicial/legislative branches of the State of New Jersey.

408. The obstruction/violation caused **"ongoing"** and **"new racketeering"** injuries to Plaintiff Kaul's economic standing/reputation/livelihood/life/liberty.

409. Defendant Christie conspired with Defendants Stolz/Geico and Co-Conspirator TD/Allstate to obstruct Plaintiff Kaul's right to justice in the United States Bankruptcy Court (2013 to 2020), an obstruction that cause further new injury and exacerbated ongoing injuries.

410. Defendant Christie conspired with **The Kaul Cases** Defendants/counsel (2016-2021) to obstruct/violate Plaintiff Kaul's prosecutorial rights in the United States District Court,

411. The purpose of the violation/obstruction was to attempt to prevent Plaintiff Kaul from further exposing their crimes in the State of New Jersey and the United States Bankruptcy Court.

Public Corruption:

412. In a period from 2008 to 2021, Defendant Christie abused his political power and public office to engage in acts of public corruption with private actors (persons/corporations), state/federal judges, medical boards, and NJ state police.

413. Defendant Christie's corrupt acts were purposed to eliminate Plaintiff Kaul (deportation/jailed/suicide-killed).

414. Defendant Christie's corrupt acts were purposed to order/coerce state judges/courts to obstruct Plaintiff Kaul's right to justice and to have entered multi-million-dollar judgments in knowingly fraudulent cases brought against him by **The Kaul Cases** Defendants/Co-Conspirators (lawyers/patients), in the widely publicized (2012 to 2015) aftermath of the illegal 2012/2014 suspension/revocation.

415. Defendant Christie's corrupt acts were purposed to obstruct Plaintiff Kaul's right to justice in the United States Bankruptcy Court (2013-2020).

416. Defendant Christie's corrupt acts were purposed to violate Plaintiff Kaul's prosecutorial rights in the United States District Court (2013-2023).

417. Defendants Christie/Geico and Co-Conspirators Allstate/TD conspired with the SEC to have Co-Conspirator Grewal transferred to the enforcement division of the SEC on June 29, 2021, to attempt to quash a securities fraud prosecution of Defendants Geico and Co-Conspirators Allstate/TD.

AHS:

Mail/Wire Fraud:

418. In a period from approximately 2008/2009 to 2014, Co-Conspirator AHS did with knowledge of its illegality, use the US mail/wires to conspire with, amongst others, Defendant Christie, regarding the perpetration of the first half of the "**SU Scheme**".

419. The first half of the **"SU Scheme"** involved the illegal revocation of Plaintiff Kaul's license, the destruction of his economic standing/reputation and elimination, be it by jail/deportation/suicide-death.

420. From 2016 to 2021, Defendant AHS/counsel did, with knowledge of its illegality, use the US mail/wires to conspire with **The Kaul Cases** Defendants/counsel, regarding the perpetration of the second half of the **"SU Scheme"**,

421. The second half of the **"SU Scheme"** involved the corruption of judges within the United States District Court to obstruct justice by violating Plaintiff Kaul's prosecutorial rights.

422. The purpose of the second half of the **"SU Scheme"** was to attempt to prevent Plaintiff Kaul from further exposing the crimes committed in the first half of the **"SU Scheme",** and the securities fraud violations of Defendants Allstate/TD/Geico.

423. Co-Conspirator AHS's shareholding in these corporations has increased since the filing of K1, on February 22, 2016, as is a fact with many other of **The Kaul Cases** Defendants.

Bribery:

424. In a period from 2008/2009, Co-Conspirator AHS did engage in a series of quid pro quo schemes with Defendant Christie, in which they converted the executive/legislative/judicial branches of the State of New Jersey into a **"racketeering enterprise"**,

425. Through the **"racketeering enterprise"** Co-Conspirator AHS conducted a "**pattern of racketeering"**.

426. Co-Conspirator AHS's **"pattern of racketeering"** involved a conspiracy to commit, and the actual commission with knowing illegality of the RICO predicate acts of bribery/public corruption.

Heary:

Mail/Wire Fraud:

427. In a period from approximately 2008/2009 to 2014, Defendant Heary did with knowledge of its illegality, use the US mail/wires to conspire with, amongst others, Defendant Christie, regarding the perpetration of the first half of the **"SU Scheme",**

428. The first half of the **"SU Scheme"** involved the revocation of Plaintiff Kaul's license, the destruction of his economic standing/reputation and elimination, be it by jail/deportation/death.

429. From 2016 to 2021, Defendant AHS/counsel did, with knowledge of its illegality, use the US mail/wires to conspire with **The Kaul Cases** Defendants/counsel, regarding the perpetration of the second half of the **"SU Scheme",**

430. The second half of the **"SU Scheme"** involved the corruption of judges within the United States District Court to obstruct justice by violating Plaintiff Kaul's prosecutorial rights,

431. The purpose of the second half of the **"SU Scheme"** was to attempt to prevent Plaintiff Kaul from further exposing the crimes committed in the first half of the **"SU Scheme",** and the securities fraud violations of Defendant Geico and Co-Conspirators.

432. Defendant Heary's shareholding in these corporations has increased since the filing of K1, on February 22, 2016, as is the case with many other of **The Kaul Cases** Defendants.

Bribery/Public Corruption:

433. In a period from 2008/2009, Defendant Heary did engage in a series of quid pro quo schemes with Defendant Christie,

434. In the perpetration of these quid pro quo schemes, Defendants Christie/Heary did directly/indirectly convert the State of Florida into a **"racketeering enterprise"**.

435. Defendants Christie/Heary and the Co-Conspirators in collusion with **The Kaul Cases** Defendants, perpetrate through the **"racketeering enterprise"** a **"pattern of racketeering".**

436. The **"pattern of racketeering"** involved conspiring to commit and actually committing with a knowing illegality, the RICO predicate acts of bribery/public corruption.

RICO 8
Association-In-Fact Enterprise: State of New Jersey-United States District Court-United States Bankruptcy Court-NYSE
Defendant Persons: Geico/FSMB-FBM/Christie
Co-conspirator: Allstate
RICO Predicate Acts: mail fraud/wire fraud/bribery/obstruction of justice/public corruption/money laundering

Overview:

437. In a period that commenced in approximately 2008/2009, the Defendants did conspire to commit, and did commit, with knowledge of its illegality, a **"pattern of racketeering"**.

438. The **"pattern of racketeering"** involved conspiring to commit and actually committing with a knowing illegality RICO predicate acts of mail fraud/wire fraud/bribery/obstruction of justice/public corruption.

437. Defendants Geico/FSMB-FBM/Christie and their Co-Conspirators, in perpetrating a **"pattern of racketeering"** did convert the State of Florida, the United States Bankruptcy Court

and the United States district Court into an association-in-fact racketeering enterprise, the **"SUUN Association-In-Fact Enterprise".**

438. Through the **"SUUN Association-In-Fact Enterprise"** Defendants Geico/FSMB-FBM/Christie and their Co-Conspirators perpetrated the **"SUUN Scheme"**.

439. A purpose of the **"SUUN Scheme"** was to eliminate Plaintiff Kaul (jailed/deported/suicide-killed)

440. A purpose of the **"SUUN Scheme"** was to have Defendant Christie become the 2016 US President.

441. A purpose of the **"SUUN Scheme"** was to prevent Plaintiff Kaul from further exposing their crimes, and the securities fraud/bank fraud/bankruptcy fraud of Defendants Allstate/TD/Geico.

442. Central to the perpetration of the **"SUUN Scheme"** was the **"Hospital-Insurance-Pharmaceutical-Industry-Complex" ("HIPIC-FC")** and their monopolization/control of all elements of American medicine by for-profit public/private corporations.

443. The shared economic mission of the **"HIPIC-FC"** is the maximization of corporate profit and share price.

444. The **"HIPIC-FC"** maximization of corporate profit/share prices is procured through the exploitation of the American public (denial of care) and medical profession (license suspension/revocation/incarceration) achieved through their corrupt control of the executive/legislative/judicial branches of state/federal government.

Christie:

Mail/wire fraud:

445. In a period commencing from approximately 2008/2009 to 2016 Defendant Christie did use the US mail wires in a knowing illegal manner, to exchange information with Defendants Allstate/Geico regarding the perpetration of the first half of the **"SUUN Scheme".**

446. The first half of the **"SUUN Scheme"** involved the revocation of Plaintiff Kaul's license, the destruction of his economic standing/reputation and elimination, be it by jail/deportation/death.

447. From 2016 to 2021, Defendant Christie did use the US mail/wires in a knowingly illegal manner, to exchange information with Defendants Allstate/Geico/FSMB-FBM regarding the second half of the **"SUUN Scheme"**.

448. The second half of the **"SUUN Scheme"** involved obstructing Plaintiff Kaul's efforts to procure a license anywhere in the world.

449. The second half of the **"SUUN Scheme"** involved violating Plaintiff Kaul's prosecutorial rights and obstructing his access to justice by corrupting judges within the United States District Court.

450. The purpose of the second half of the **"SUUN Scheme"** was an attempt to prevent Plaintiff Kaul from further exposing the crimes of Defendants Geico/FSMB-FBM/Christie and Co-Conspirator Allstate,

451. These crimes include securities fraud/bankruptcy fraud/bank fraud.

452. Defendant Christie received substantial shares from Defendant Geico and Co-Conspirators Allstate/TD as part of the quid pro quo schemes of bribery, to eliminate Plaintiff Kaul.

Bribery:

453. In a period from 2008/2009 to 2016, Defendant Christie did enter into a series of quid pro quo schemes with Defendant Geico and Co-Conspirator Allstate.

454. In these quid pro quo schemes, Defendant Christie received bribes disguised as political campaign donations and corporate shares,

455. In these quid pro quo schemes, Defendant Christie received bribes (monies) transferred into multiple tax-free offshore havens, including Israel.

456. In a period from 2016 to 2021, Defendant Christie did corrupt judges within the United States District Court in quid pro quo schemes purposed to violate Plaintiff Kaul's prosecutorial rights.

457. The purpose of violating Plaintiff Kaul's prosecutorial rights was to prevent him from further exposing the crimes of **The Kaul Cases** Defendants.

458. These crimes include securities fraud/bankruptcy fraud/bank fraud.

Obstruction of justice/public corruption:

459. In a period from 2008/2009 to 2016, Defendant Christie conspired to commit, and did commit, in collusion/conspiracy with **The Kaul Cases** Defendants, and as part of the first half of the **"SUUN Scheme"**, an ongoing scheme to violate Plaintiff Kaul's right to justice within administrative/state/bankruptcy/federal courts within the geographic boundaries of the State of New Jersey,

460. The violations were the intended product of multiple quid pro quo schemes in which **The Kaul Cases** Defendants funneled bribes to Defendant Christie to have Plaintiff Kaul eliminated.

461. In a period from 2016 to 2021, Defendant Christie did corrupt judges within the United States District Court to violate Plaintiff Kaul's prosecutorial rights and obstruct justice.

462. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from further exposing Defendants Geico/FSMB-FBM/Christie and Co-conspirator Allstate decades-long schemes of corruption of American state/federal politicians/judges/legislators.

463. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from further exposing Defendants Geico/FSMB-FBM/Christie and Co-conspirator Allstate crimes of securities fraud/bankruptcy fraud/bank fraud.

Money laundering:

464. In a period from 2008/2009 to 2017, Defendant Christie did launder the proceeds of his **"SUUN Scheme"** related criminal activity, in the same places that he laundered the proceeds of his many other criminal enterprises.

465. Defendant Christie laundered the proceeds through his family.

466. Defendant Christie laundered the proceeds through the NYSE.

467. Defendant Christie laundered the proceeds through offshore trusts/banks.

468. Defendant Christie laundered the proceeds through his law/political lobbying firm.

469. Defendant Christie laundered the proceeds through his lawyers.

470. Defendant Christie laundered the proceeds through his accountants.

471. Defendant Christie laundered the proceeds through his public relation personnel (Mercury).

472. Defendant Christie laundered the proceeds through investments in Defendants Geico and Co-Conspirators Allstate/TD/AHS.

473. Defendant Christie laundered the proceeds through his real estate holdings.

Allstate/Geico:

Mail fraud/wire fraud:

474. In a period commencing in 2008/2009, Defendant Geico and Co-Conspirator Allstate did, with a knowing illegality, use the US mail/wires to exchange information with Defendant FSMB-FBM, in furtherance of both the first half of the **"SUUN Scheme"** and in continued furtherance of the decades-long **"HIPIC-FC"** scheme (1986-Present).

475. In these communications, Defendant Geico and Co-Conspirator Allstate conspired with Defendant FSMB-FBM to globally disseminate knowingly fraudulent/highly defamatory information in furtherance of Plaintiff Kaul's elimination.

476. The hoped-for-elimination (economic/reputation/livelihood/liberty/life) of Plaintiff Kaul was to prevent him exposing the crimes of **The Kaul Cases** Defendants.

477. From 2016 to 2021, Defendant Geico did, with a knowing illegality, use the US mail/wires to exchange information with Defendant FSMB-FBM and all **The Kaul Cases** Defendants, in furtherance of the second half of the **"SUUN Scheme"**.

478. The second half of the **"SUUN Scheme"** involved violating Plaintiff Kaul's prosecutorial rights in the United States District Court through judicial corruption.

479. A purpose of the violation was to prevent Plaintiff Kaul from further exposing **The Kaul Cases** Defendants prior crimes (2008/2009-2016) in the State of Florida and the United States Bankruptcy Court.

480. A purpose of the violation was to attempt to conceal their securities fraud crimes on the NYSE (2016-2023).

Bribery:

481. Defendants Allstate/Geico have, since 1986, participated in an illegal bribery-based scheme of racketeering with Defendant FSMB-FBM, the **"HIPIC-FC"** scheme, purposed to monopolize the entire American healthcare system.

482. The monopolization is made possible by the corruption/control of the political/judicial bodies of the American Republic, and remains facilitated by Citizens United (2010).

483. From 2008/2009 to 2016 Defendants Geico/FSMB-FBM and Co-Conspirator Allstate perpetrated a massive series of crimes against Plaintiff Kaul, though the conduction of a **"pattern of racketeering".**

484. The **"pattern of racketeering"** was perpetrated through the **"SUUN Association-In-Fact Enterprise"**

485. The **"pattern of racketeering"** furthered the first half of **"SUUN Scheme"**.

486. The **"pattern of racketeering"** provides further evidence of the longstanding **"HIPIC-FC"** scheme, in which, in its simplest form, for-profit corporations operating in the healthcare market, engage in knowingly illegal quid pro quo bribery schemes with Defendant FSMB-FBM, in which Defendant FSMB-FBM operating through the **"FC" ("Federation Cartel")** has

eliminated (license suspension/revocation) physicians whose thoughts/words/actions either fail to support or undermines the corporate profit agenda. Totalitarianism.

Obstruction of justice/public corruption:

487. From 2008/2009 to 2016, Defendant Geico and Co-Conspirator Allstate did, with knowing illegality, use the US mail/wires to exchange information with Defendant FSMB-FBM, regarding the **"SUUN Scheme"** to eliminate Plaintiff Kaul.

488. From 2016 to 2021, Defendant Geico and Co-Conspirator Allstate did with knowing illegality use the US mail/wires to conspire to commit, and commit corruption of judges within the United States District Court.

489. The purpose of the judicial corruption was to violate Plaintiff Kaul's prosecutorial rights to obstruct justice.

490. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from further exposing **The Kaul Cases** Defendants crimes against Plaintiff Kaul in the State of Florida, crimes which commenced in 2012 and are ongoing.

491. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from exposing **The Kaul Cases** Defendants commission/aiding/abetting bankruptcy fraud in the United States Bankruptcy Court (2013-2020).

492. A purpose of the obstruction of justice was to attempt to conceal **The Kaul Cases** Defendants securities fraud offenses committed in the NYSE (2016-2023), crimes that have thus not been investigated by the SEC, because Co-Conspirator Grewal was fraudulently appointed its enforcement director in June 2021, for exactly this illegal purpose.

Money laundering:

493. Defendant Geico and Co-Conspirator Allstate did launder and continue to launder the proceeds of their crimes (2008/2009-2023) through the NYSE and global investment community, including the sovereign funds of many other nations, and exchanges, including the London, Shanghai, and Bombay Stock Exchanges.

494. Defendant Geico and Co-Conspirator Allstate continue to fail to disclose to international markets their ongoing commission of securities fraud (2016-2023), with knowledge of the immense liability this continues to cause to private/sovereign funds currently invested on the NYSE.

495. Defendant Geico and Co-Conspirators Allstate/TD have not disclosed the $28,000 trillion + liability in any filings, anywhere in the world, at any point in time after 2016.

FSMB-FBM:

Mail fraud/wire fraud:

496. In a period from 2008/2009 to 2016, Defendant FSMB-FBM did, with knowing illegality, use the US mail/wires to exchange information with Defendant Geico and Co-Conspirator Allstate regarding the first half of the "**SUUN Scheme**", that involved the revocation of Plaintiff Kaul's license, the destruction of his economic standing/reputation and his elimination, be it by jail/deportation/killed.

497. From 2016 to May 2023, Defendant FSMB-FBM did similarly use the US mail/wires to conspire with **The Kaul Cases** Defendants to commit acts of corruption of judges/senators within the United States District Court/US Government, purposed to violate Plaintiff Kaul's prosecutorial rights to obstruct justice.

498. Defendant FSMB-FBM's obstruction of justice was purposed to prevent Plaintiff Kaul from further exposing **The Kaul Cases** Defendants crimes (2008/2009 to 2023), including those of securities fraud.

499. From 2014 to 2021, Defendant FSMB-FBM, in collusion/conspiracy with and through the **"FC"**, did conspire with **The Kaul Cases** Defendants to attempt to obstruct Plaintiff Kaul from procuring a medical license anywhere in the world.

500. The purpose of a global obstruction of license procurement was an attempt to restrict Plaintiff Kaul's access to capital, in the belief it would violate his ability to prosecute his claims to judgment.

501. Defendant FSMB-FBM's purpose in attempting to violate Plaintiff Kaul's ability to prosecute his claims to judgment is to attempt to prevent Plaintiff Kaul from exposing the crimes (2008/2009 to 2021) of **The Kaul Cases** Defendants

502. The crimes of **The Kaul Cases** Defendants, including Defendant FSMB-FBM, are mail fraud/wire fraud/perjury/extortion/kickbacks/obstruction of justice/public corruption/evidence tampering/witness tampering/securities fraud/bankruptcy fraud/bank fraud/money laundering/judicial corruption/kidnapping/manslaughter/chemical weapon trafficking/COVID vaccine related crimes against humanity.

Bribery:

503. Since 1986, Defendant FSMB-FBM has conducted ongoing schemes of bribery with for-profit corporations **("HIPIC-FC")** in furtherance of their scheme to monopolize all elements of American medicine, from the business of regulation to healthcare commerce.

504. Defendants Geico and Co-Conspirator Allstate bribed, and continue to bribe Defendant FSMB-FBM to have Plaintiff Kaul eliminated from the market (2012/2014)

505. Defendants Geico, Co-Conspirator Allstate and **The Kaul Cases** Defendants continue to bribe Defendant FSMB-FBM to attempt to prevent Plaintiff Kaul's re-entry,

506. The purpose of attempting to prevent Plaintiff Kaul's re-entry is an attempt to deny him access to capital.

507. Defendant FSMB-FBM and all **The Kaul Cases** Defendants believe that if Plaintiff Kaul is denied capital, it will prevent Plaintiff Kaul from prosecuting them in the United States District Court.

508. From 2016 to 2021, Defendant FSMB-FBM has bribed judges/senators within the United States District Court/US Government, in order to violate Kaul's prosecutorial rights and obstruct justice.

509. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from further exposing **The Kaul Cases** Defendants crimes against Plaintiff Kaul in the State of Florida, crimes which commenced in 2012 and are ongoing.

510. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from exposing **The Kaul Cases** Defendants commission/aiding/abetting bankruptcy fraud in the United States Bankruptcy Court (2013-2020).

511. A purpose of the obstruction of justice was to attempt to conceal **The Kaul Cases** Defendants securities fraud offenses committed in the NYSE (2016-2023), crimes that have thus not been investigated by the SEC, because Co-Conspirator Grewal was fraudulently appointed its enforcement director in June 2021, for exactly this illegal purpose.

Obstruction of justice/public corruption:

512. From 2016 to 2021, Defendant FSMB-FBM, by, through and with the **"FC"**, and in collusion/conspiracy with **The Kaul Cases** Defendants, did bribe judges/senators within the United States District Court/US Government.

513. The purpose of bribing judges/senators was to pervert the course of justice by violating Kaul's prosecutorial rights.

514. The purpose of violating Plaintiff Kaul's prosecutorial rights to pervert the course of justice was to attempt to prevent Plaintiff Kaul from further exposing the crimes of **The Kaul Cases** Defendants.

Money laundering:

515. Since 1986, Defendant FSMB-FBM, has generated millions of dollars from its **"pattern of racketeering"** within American medicine, through the willful exploitation/expense of the American public/medical profession.

516. Defendant FSMB-FBM's criminal proceeds have been laundered through investments in corporations publicly traded on the NYSE, including Defendant Geico and Co-Conspirator Allstate and other health insurance companies including third-party carriers commercially allied with state/federal governments.

517. Defendant FSMB-FBM's proceeds are also laundered through law/political lobbying/public relation firms that funnel bribes to state/federal judges/executives/legislators, in exchange for judgments/legislation that further the political/economic agendas of Defendant FSMB-FBM and all corporations involved in commerce with the **"HIPIC-FC-Association-In-Fact Enterprise"**.

RICO 9
Association-In-Fact Enterprise: State of Florida-United States Bankruptcy Court-United States District Court
Defendant Persons: Christie/Geico
Co-conspirators: Allstate/Grewal/Murphy
RICO Predicate Acts: kidnapping/mail fraud/wire fraud/bribery/obstruction of justice/public corruption

Overview:

518. In a period from April 2, 2012, to the present, Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy did conduct a **"pattern of racketeering"**. within the association-in-fact enterprise of the State of New Florida-United States Bankruptcy Court-United States District Court **("FBD Association-In-Fact Enterprise").**

519. In conducting the **"pattern of racketeering"** within/through the **"FBD Association-In-Fact Enterprise"**, Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy did convert the State of Florida/United States Bankruptcy Court/United States District Court into a **"racketeering enterprise".**

520. It was through the **"FBD Association-In-Fact Enterprise"** that Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy perpetrated the RICO predicate acts of kidnapping/mail fraud/wire fraud/bribery/obstruction of justice/public corruption/judicial corruption.

521. The purpose of Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy's commission of the RICO predicate acts through a **"pattern of racketeering"** was to prevent Plaintiff Kaul from further exposing their crimes prior to the crime of having Plaintiff Kaul kidnapped on May 27, 2021.

522. The purpose of the prevention of exposition of crimes, other than the civil/criminal liability, was Defendant Christie's 2024 political aspirations.

523. Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy's scheme to suppress Plaintiff Kaul's prosecution of **The Kaul Cases**, functioned partly in that all cases filed by Plaintiff Kaul, except K11-1/K11-3, were transferred to the District of New Jersey-Newark, where Plaintiff Kaul had no choice but to voluntarily dismiss them.

524. From the commencement of K1 on February 22, 2016, in only one case – K5 – was a Rule 16 Order entered (**Exhibit 27**). The K5 Defendants, consistent with their corruption of the court, had the case transferred from the Camden to the Newark vicinage, where the Rule 16 Order was stayed.

Christie:

Kidnapping:

525. On May 26, 2021, Defendant Christie was served at his law office in Morristown, with a summons and complaint in K11-2.

526. Shortly thereafter, Defendant Christie did, with knowing illegality, conspire with Defendants Murphy/Grewal/Allstate/Geico to have Kaul kidnapped on May 27, 2021, by nine (9) armed individuals who purported to be NJ state police, as pled in K11-9.

527. No warrants were produced, and Plaintiff Kaul was forcibly detained against his will, and rapidly removed to a local police station, where he was chained to a bench (**Exhibit 15**).

528. Plaintiff Kaul was then forcibly transferred to another police station and told that he was to be transferred to the Mercer County Jail in Trenton, NJ.

529. Plaintiff Kaul's repeated requests for a warrant were ignored.

530. Defendants Christie/Geico and Co-Conspirators Allstate/Grewal/Murphy/**The Kaul Cases** Defendants commission of this RICO predicate act was committed in order to have Plaintiff Kaul jailed/injured/killed.

531. The purpose of having Plaintiff Kaul jailed/injured/killed was to cause him to become physically/psychologically unable to continue the prosecution of K11-2/other future litigation by having him eliminated.

532. The purpose of preventing Plaintiff Kaul's prosecution of K11-2 was to prevent him further exposing the crimes of **The Kaul Cases** Defendants, including those of securities fraud.

533. On May 29, 2021, it was made evident to Plaintiff Kaul that many people had knowledge of the 'Kaul Kidnapping Scheme', as Plaintiff Kaul received a phone call from his ex-wife, with whom he had not spoken since November 2020, in which she recounted specifics details of the event that she obtained from her cousin, a physician who works at K11-2 Defendant Hackensack University Medical Center **("HUMC").**

Mail/wire fraud:

534. In a period from May 26, 2021, to the present, Defendant Christie, with knowing illegality did use the US mail/wires to exchange information with Defendant Geico and Co-Conspirators Allstate/Grewal/Murphy/**The Kaul Cases** Defendants regarding the planning/execution and unexpected consequences of the 'Kaul Kidnapping Scheme.

535. When the scheme failed, the Defendants, realizing that Plaintiff Kaul would file suit, did use the US mail/wires to conspire with judges/senators in the United States District Court/US Government to violate Plaintiff Kaul's prosecutorial rights by obstructing justice through venue transfer from the Southern District of New York to the District of New Jersey,

536. Plaintiff Kaul's suit (K11-9), after having been transferred to the District New Jersey – Newark Vicinage, was dismissed, in an attempt to prevent Plaintiff Kaul from further exposing the crimes of **The Kaul Cases** Defendants (2008/2009 to 2021).

Bribery:

537. In a period from 2008/2009 to 2016, Defendant Christie did engage in multiple quid pro quo schemes of bribery with Defendant Geico and Co-Conspirator Allstate, in which he abused state power to further the economic/political agendas of, amongst others, himself and these corporate Defendant/Co-Conspirators.

538. A purpose of the schemes was to have him elected the 2016 US President.

539. A purpose of the scheme was to increase share value/executive compensation of Defendant Geico/Co-Conspirator Allstate, through the knowing/willful exploitation of the American public and medical profession.

540. During his tenure as NJ Governor (2009-2017) Defendant Christie abused state power to have incarcerated many innocent physicians (principally Hispanic/Indian/African American) to whom the insurance industry owed money for their provision of life-saving clinical services.

541. These false prosecutions/convictions were perpetrated by his Attorney General, and in NJ state courts corrupted by Defendants Geico/Co-Conspirator Geico.

Obstruction of justice/public corruption:

542. Defendants Christie, in conspiring to have Plaintiff Kaul kidnapped, did attempt to violate Plaintiff Kaul's prosecutorial rights, and obstruct justice in the United States District Court.

543. Defendant Christie's obstruction of justice was purposed to prevent Plaintiff Kaul from exposing the massive crimes of **The Kaul Cases** Defendants, of amongst other things, judicial/political corruption.

Murphy:

Kidnapping:

544. Co-Conspirator Murphy, prior to becoming the NJ Governor was the US Ambassador to Germany, and prior to that was a partner at Goldman-Sachs, a corporation that holds shares in Defendant Geico/Co-Conspirator Allstate, the dividends from which Co-Conspirator Murphy continues to profit.

545. Co-Conspirator Murphy, recognizing that there were no legitimate means of contesting Plaintiff Kaul's right to continue prosecuting **The Kaul Cases** Defendants, did conspire with Defendant Christie/Geico and Co-Conspirators Grewal/Allstate to have Plaintiff Kaul eliminated on May 27, 2021, be it by either severe injury and or death.

546. A purpose of eliminating Plaintiff Kaul was to prevent him from further exposing the crimes of **The Kaul Cases** Defendants, including the securities fraud violations.

547. Co-Conspirator Murphy, in perpetrating the 'Kaul Kidnapping Scheme' did recognize its illegality and violation of Plaintiff Kaul's fundamental human rights, but persisted nonetheless, because of the immense civil/criminal liability posed to **The Kaul Cases** Defendants.

Mail/wire fraud:

548. Co-Conspirator Murphy, in conspiring to perpetrate the 'Kaul Kidnapping Scheme' did, with knowledge of its illegality, use the US mail/wires to exchange information with Defendants

Christie/Geico and Co-Conspirators Grewal/Allstate regarding the execution and subsequently the unintended consequences of failure including Plaintiff Kaul's filing/publicization of K11-9.

Bribery:

549. Co-Conspirator Murphy continues to receive bribes from Defendant Geico/ Co-Conspirator Allstate, under cover of dividends/shares from Goldman-Sachs, and has not, since becoming the NJ Governor, relinquished his/his family's holdings in the corporation, in accordance with NJ law pertaining to state official conflicts of interest.

Obstruction of justice/public corruption:

550. Defendant Murphy, in conspiring to have Plaintiff Kaul kidnapped, did attempt to violate Plaintiff Kaul's prosecutorial rights, and obstruct justice in the United States District Court.

551. A purpose of the obstruction of justice was to prevent Plaintiff Kaul from exposing the felonies of **The Kaul Cases** Defendants, of amongst other things, judicial/political corruption.

552. Co-Conspirator Murphy, in furtherance of this scheme to obstruct justice, did in a period commencing June 15, 2021, conspire with judges/senators in the United States District Court/US Government to have K11-9 transferred from the Southern District of New York to the District of New Jersey.

553. Co-Conspirator Murphy, in furtherance of this scheme to obstruct justice, did in a period commencing June 15, 2021, conspire with judges/senators in the United States District Court/US Government to have K11-9 dismissed almost immediately after it had been transferred from the Southern District of New York to the District of New Jersey.

Grewal:

Kidnapping:

554. On May 27, 2021, Co-Conspirator Grewal did conspire with Defendants Christie/Geico and Co-Conspirators Murphy/Allstate to have Plaintiff Kaul kidnapped on May 27, 2021, with the purpose of having him incarcerated in the Mercer County jail in Trenton, over the Memorial Day Weekend, in order to have him either seriously injured and or murdered.

555. When the 'Kaul Kidnapping Scheme' commenced on May 27, 2021, at approximately 2:30 pm EST, Co-Conspirator Grewal remained in constant contact with the kidnappers, and did, at approximately 7 pm EST, learn that the scheme had publicly failed.

556. Co-Conspirator Grewal, in the planning and execution of the scheme, did know that its principal purpose was to have Plaintiff Kaul eliminated,

557. Co-Conspirator Grewal, in the planning and execution of the scheme, did know that its principal purpose of having Plaintiff Kaul eliminated was to prevent him further exposing the serious and massive crimes (2008/2009-2021) of **The Kaul Cases** Defendants.

Mail/wire fraud:

558. Co-Conspirator Grewal, did know that in the planning, perpetration and 'damage control' phases of the 'Kaul Kidnapping Scheme' he did, with knowing illegality use the US wires to exchange information with Defendants Christie/Geico and Co-Conspirators Murphy/Allstate.

559. Co-Conspirator Grewal, does know that his illegal use of the US wires constitutes the felony of wire fraud.

560. In these exchanges over the US wires, Defendant Christie/Geico and Co-Conspirators Allstate/Murphy/Grewal revealed their opinion that the scheme would be successful.

561. In these exchanges, conducted over the US wires, Defendant Christie/Geico and Co-Conspirators Allstate/Murphy/Grewal stated that the scheme's success would render Plaintiff Kaul mentally/physically unable to continue his prosecution of **The Kaul Cases** Defendants.

562. Also contained these exchanges were frantic emails that evidenced their fear of public exposure when they learned that the scheme had failed, particularly as it related to the political careers of Defendant Christie and Co-Conspirators Murphy/Grewal.

Bribery:

563. Co-Conspirator Grewal made the decision to participate in the 'Kaul Kidnapping Scheme' believing it would be successful, in causing Plaintiff Kaul's elimination through severe physical/psychological injury and or death.

564. However, when it failed and Plaintiff Kaul sued him on June 15, 2021 (K11-9), he panicked and was transferred to the enforcement division of the SEC, in the belief it would shield him from prosecution by Plaintiff Kaul.

565. Co-Conspirator Grewal 's transfer was part of a quid pro quo with the Defendants Christie/Geico and Co-Conspirators Murphy/Allstate.

567. In the quid pro quo scheme, a purpose of the transfer from being the NJ AG to the SEC enforcement director was to 'purchase'/ensure the silence of Defendant Grewal regarding the 'Kaul Kidnapping Scheme'.

568. In the quid pro quo scheme, a purpose of Co-Conspirator Grewal's transfer from being the NJ AG to the SEC enforcement director was to prevent exposure of the securities fraud crimes of Defendants Allstate/TD/Geico (Berkshire Hathaway).

Obstruction of justice/public corruption:

569. Co-Conspirator Grewal was appointed the NJ AG in 2017 by Co-Conspirator Murphy.

570. Co-Conspirator Grewal, as with Defendant Murphy, obediently followed orders from the insurance industry, in the filing of indictments/license revocation actions against physicians to whom the insurance industry owed monies.

571. Many of these false cases were brought on fabricated and meaningless claims regarding the prescription of pain-relieving medications.

572. Co-Conspirator Grewal conspired with Defendants Christie/Geico and Co-Conspirators Allstate/Murphy in schemes of public corruption.

573. Within these schemes of public corruption, Co-Conspirators Grewal/Murphy/Allstate, and Defendants Christie/Geico abused state/judicial power to knowingly/illegally violate the Constitutional rights of principally ethnic minority (Indians/African Americans/Hispanics) physicians to whom the insurance industry owed monies.

574. A principal purpose of violating their Constitutional rights, was to cause them a deprivation of their fundamental right to due process/obstruction of justice in their defense against the indictments/license revocation proceedings.

575. A purpose of this due process deprivation/obstruction justice judicially aided/abeted scheme was to further the economic agenda of **The Kaul Cases** Defendants, through the exploitation of the American public and medical profession.

576. A purpose of this due process deprivation/obstruction justice judicially aided/abeted scheme was to further the political agenda of **The Kaul Cases** Defendants, through the exploitation of the American public and medical profession.

575. Co-Conspirator Grewal, in the commission of these RICO predicate acts (kidnapping/mail fraud/wire fraud/bribery/obstruction of justice/public corruption) did violate the authority of all districts of the United States District Court.

576. Co-Conspirator Grewal, in the commission of these human rights violations did violate the rights of the United States as delegated it, and enshrined within the Universal Declaration Of Human Rights.

577. Co-Conspirator Grewal, in the knowingly illegal commission of these human rights violations did further injure the reputation of the United States as a signatory/beneficiary of the duties/privileges owed/derived from the Universal Declaration Of Human Rights.

578. Co-Conspirator Grewal, in the knowingly illegal commission of these RICO predicate acts/human rights violations did recognize that he, a lawyer/NJ AG, converted the State of New Jersey into a **"racketeering enterprise"** to serve the interests of corrupt corporations/politicians/judges.

579. Co-Conspirator Grewal, in the knowingly illegal commission of these RICO predicate acts/human rights violations did recognize that he, a lawyer/NJ AG, did act in a tyrannical manner.

580. Co-Conspirator Grewal, in recognizing he did act in a tyrannical manner, did also recognize his acts re-affirmed/re-in forced Defendant Christie's conversion of the United States (USA: 2000-2008) State of New Jersey (Governor NJ: 2009-2017) into a tyranny.

581. Co-Conspirator Grewal was a subjugate of Defendant Christie as an AUSA DNJ, before being assigned as lead prosecutor in Bergen County, New Jersey.

Allstate/Geico:

Public Corruption/Fraud on the Court/Witness Tampering/Evidence Tampering/False Indictments/False Arrests/Kidnapping/False Incarcerations.

582. From 2006 to 2016, Defendant Geico/Co-Conspirator Allstate employed a multi-pronged strategy to attempt to eliminate Plaintiff Kaul.

583. The strategy included knowingly false denials of certification for patient clinical care.

584. The strategy included knowingly false denial of payment after Plaintiff Kaul provided clinical care.

585. The strategy included knowingly false contestations of Plaintiff Kaul at every fee arbitration.

586. The strategy included the dissemination of knowing falsehoods to lawyers/doctors/surgical centers/hospitals to attempt to destroy Plaintiff Kaul's reputation,

587. The strategy included the dissemination of knowing falsehoods to lawyers/doctors/surgical centers/hospitals to attempt to make it impossible for Plaintiff Kaul to work.

588. The strategy included the filing and their publicization of knowingly fraudulent lawsuits against Plaintiff Kaul in corrupted NJ state/federal courts.

589. A purpose of the filing and publicization of knowingly fraudulent lawsuits was to re-litigate the arbitration hearings in which Plaintiff Kaul prevailed.

590. Plaintiff Kaul prevailed in almost ninety-nine percent (99%) of all arbitration hearings.

591. Defendant Geico/Co-Conspirator Allstate's strategy to attempt to eliminate Plaintiff Kaul included ordering the state medical board to revoke (illegally) Plaintiff Kaul's license.

592. Defendant Geico/Co-Conspirator Allstate's strategy to attempt to eliminate Plaintiff Kaul included having the NJ State AG initiate highly publicized criminal investigations/grand jury proceedings purposed to societally alienate/ostracize Plaintiff Kaul.

593. A purpose of the alienation/ostracization was to render Plaintiff Kaul unable to retain witnesses to defend against planned criminal indictments by the NJ State AG.

594. A purpose of the witness deprivation was to deprive Plaintiff Kaul of the ability to defend against planned criminal indictments by the NJ State AG.

595. A purpose of the alienation/ostracization was to render Plaintiff Kaul unable to procure monies to defend against planned criminal indictments by the NJ State AG.

596. A purpose of the monies deprivation was to deprive Plaintiff Kaul of the ability to defend against planned criminal indictments by the NJ State AG.

597. A purpose of the defense deprivation (monies/witnesses) was an attempt to ensure Plaintiff Kaul was convicted consequent to planned criminal indictments by the NJ State AG.

598. A purpose of any conviction consequent to planned criminal indictments by the NJ State AG was to illegally seize Plaintiff Kaul/his family's assets.

599. A purpose of any conviction consequent to planned criminal indictments by the NJ State AG was to have Plaintiff Kaul incarcerated.

600. A purpose of any incarceration consequent to planned criminal indictments by the NJ State AG was to attempt to have Plaintiff Kaul eliminated from the American healthcare market.

601. A purpose of Plaintiff Kaul's NJ State AG caused elimination from the American healthcare market was to illegally increase, through antitrust violations, the profits of competing healthcare corporations by eliminating the competitive threat posed by Plaintiff Kaul.

602. A purpose of any incarceration consequent to planned criminal indictments by the NJ State AG was to attempt to prevent Plaintiff Kaul from exposing the crimes of **The Kaul Cases** Defendants (2006-Present).

603. Defendant Geico/Co-Conspirator Allstate's strategy to attempt to eliminate Plaintiff Kaul included have the US Attorney/FBI initiate criminal investigations purposed to societally alienate/ostracize Plaintiff Kaul.

604. A purpose of the alienation/ostracization was to render Plaintiff Kaul unable to retain witnesses to defend against planned criminal indictments by the US Attorney/FBI .

605. A purpose of the witness deprivation was to deprive Plaintiff Kaul of the ability to defend against planned criminal indictments by the US Attorney/FBI.

606. A purpose of the alienation/ostracization was to render Plaintiff Kaul unable to procure monies to defend against planned criminal indictments by the US Attorney/FBI.

607. A purpose of the monies deprivation was to deprive Plaintiff Kaul of the ability to defend against planned criminal indictments by the NJ State AG.

608. A purpose of the defense deprivation (monies/witnesses) was an attempt to ensure Plaintiff Kaul was convicted consequent to planned criminal indictments by the US Attorney/FBI.

609. A purpose of any conviction consequent to planned criminal indictments by the US Attorney/FBI was to illegally seize Plaintiff Kaul/his family's assets.

610. A purpose of any conviction consequent to planned criminal indictments by the US Attorney/FBI was to have Plaintiff Kaul incarcerated.

611. A purpose of any incarceration consequent to planned criminal indictments by the US Attorney/FBI was to attempt to have Plaintiff Kaul eliminated from the American healthcare market.

612. A purpose of Plaintiff Kaul's US Attorney/FBI's caused elimination from the American healthcare market was to illegally increase, through antitrust violations, the profits of competing healthcare corporations by eliminating the competitive threat posed by Plaintiff Kaul.

613. A purpose of any incarceration consequent to planned criminal indictments by the US Attorney/FBI was to attempt to prevent Plaintiff Kaul from exposing the crimes of **The Kaul Cases** Defendants (2006-Present).

614. The strategy included having Plaintiff Kaul indicted on false tax charges.

615. The strategy included conspiring with Plaintiff Kaul's ex-wife to have him jailed on unpaid child support charges.

616. The strategy included preventing Plaintiff Kaul access to banking services.

617. The strategy included bribing judges/senators in federal court/government to obstruct/dismiss all cases filed by Plaintiff Kaul in the United States District Court.

618. The strategy included scheming to have and actually having Plaintiff Kaul kidnapped on May 27, 2021, after Defendant Christie had been served with the summons/complaint in K11-2 on May 26, 2021.

Mail/wire fraud:

619. Defendants Geico/Co-Conspirator Allstate, in the planning/execution/'damage control' phases of the 'Kaul Kidnapping Scheme', did, with knowledge of its illegality, use the US mail/wires to exchange information with Defendant Christie and Co-Conspirators Murphy/Grewal.

Bribery:

620. Defendants Geico/Co-Conspirator Allstate did funnel bribes to Defendants Christie/Murphy/Grewal as part of a quid pro quo scheme.

621. The quid pro quo scheme involved Defendant Christie and Co-Conspirators Murphy/Grewal corruptly 'selling' public (state) power, without the public's permission, to Defendant Geico/Co-Conspirator Allstate.

622. The scheme's purpose was to attempt to ensure the elimination of Plaintiff Kaul (jailed/deported/killed) to prevent him from further exposing their crimes.

Obstruction of justice/public corruption:

623. In having Plaintiff Kaul kidnapped on May 27, 2021, **The Kaul Cases** Defendants did violate with physical violence his prosecutorial rights in the United States District Court (K11-2), in the belief that he would either be unwilling or unable (psychologically/physically) to continue the prosecution of his claims.

624. In violating Plaintiff Kaul's prosecutorial rights, Defendants Christie/Geico and Co-Conspirators Murphy/Grewal/Allstate did in the process, attempt to cause a knowingly illegal obstruction of justice within the United States District Court.

625. Defendants Christie/Geico and Co-Conspirators Murphy/Grewal/Allstate, in coopting a state police agency into the commission of the crimes of kidnapping/mail fraud/wire fraud did obstruct justice in the United States District Court.

626. In the commission of the obstruction of justice Defendants Christie/Geico and Co-Conspirators Murphy/Grewal/Allstate converted the apparatus of American State/United States District Court into a **"racketeering enterprise"**.

627. Through the **"FBD Association-In-Fact Racketeering Enterprise"** Defendants Christie/Geico and Co-Conspirators Murphy/Grewal/Allstate, being aided/abetted by state police, did conduct a **"pattern of racketeering"** through the commission of RICO predicate acts of obstruction of justice/public corruption/bribery/wire fraud/public corruption/fraud on the court/witness tampering/evidence tampering/false indictments/false arrests/kidnapping/false incarcerations.

628. The principal purpose of the **"pattern of racketeering"** was to attempt to eliminate Plaintiff Kaul to prevent him from further exposing the crimes of **The Kaul Cases** Defendants (2006-2023).

RICO 10
Association-In-Fact Enterprise: State of New York-State of Florida-NYSE ("SSN Association-In-Fact Enterprise)
Defendant Persons: Geico/FSMB-FBM
Co-conspirators: Allstate/Hengerer
RICO Predicate Acts: Bribery/Mail Fraud/Wire Fraud/Obstruction of Justice/Conspiracy

Overview:

629. In a period that commenced in late 2020, the Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer did conspire to conduct, and did conduct a knowingly illegal **"pattern of racketeering"**

630. Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer conducted the **"pattern of racketeering"** through the **"SSN Association-In-Fact Enterprise".**

631. The **"pattern of racketeering"** involved the commission of the RICO predicate acts of bribery/ mail fraud/wire fraud/obstruction of justice/conspiracy.

632. A purpose of the **"pattern of racketeering"** was to illegally prevent Plaintiff Kaul from obtaining a physician license in the State of New York.

633. The license prevention scheme was an attempt to suppress Plaintiff Kaul's economic resurgence, in the belief that such a scheme would mitigate Plaintiff Kaul's exposure of **The Kaul Cases** Defendants' crimes (2006-2023).

634. **The Kaul Cases** Defendants crimes include, amongst others, bribery/public corruption/evidence tampering/witness tampering/bankruptcy fraud/bank fraud/mail fraud/wire fraud/judicial corruption/perjury/kickbacks/securities fraud (2006-2023 committed within judicial/political/legislative bodies of the American state/federal systems).

635. In the commission of obstructing Plaintiff Kaul's efforts to obtain a license in the State of New York (October 2020 to July 2021), Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer did conspire to and did commit a multitude of frauds across the US wires to attempt to deceive, delay and deny Plaintiff Kaul's application.

636. Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer with others did use the US wires to propagate knowingly false information that the denial of Plaintiff Kaul's application by a supposed medical board subcommittee was based on a question of so called **"moral suitability"**.

637. Plaintiff Kaul's multiple requests for the production of any state policy regarding the process of character assessment were ignored.

638. In furtherance of Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer effort to conceal the fraudulence of their **"moral suitability"** scheme, they conspired with an individual by the name of **"Vincent Vollaro".**

639. The conspiracy was purposed to attempt, on June 17, 2021, to engage Plaintiff Kaul in a non-recorded phone call, in which **"Vincent Vollaro"** a non-lawyer/non-physician/non-ethicist would **"explain the process"** [**"moral suitability"**] to Plaintiff Kaul.

640. The call did not occur, but its purpose was to fabricate evidence to bolster Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer falsehood regarding a supposed subcommittee's purported **"moral suitability"** as the basis for the denial of Plaintiff Kaul's NY February 2021 license application.

641. Plaintiff Kaul has established as a matter of fact that no board subcommittee ever convened to consider Plaintiff Kaul's application.

642. Plaintiff Kaul has established as a matter of fact that there exists no opinion, reasoned or not, that finds a **"question of moral suitability"** as the basis for denial of licensure.

643. On July 14, 2021, consequent to Plaintiff Kaul having sent letters to every member of the NY State Government regarding the state's liability for the crimes of **The Kaul Cases** Defendants, Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer did conspire with **"Vollaro"** to use the US wires to transmit a knowingly fraudulent document.

644. In the knowingly fraudulent document **"Vollaro"** asserts that a **"subcommittee"** of the state medical board denied Plaintiff Kaul's application based on a purported **"question of moral suitability"**.

645. Plaintiff Kaul's subsequent requests for a copy of the transcript and signed purported opinion of the supposed subcommittee were ignored and then denied.

646. On August 27, 2021, Plaintiff Kaul filed a petition (Kaul v Zucker/Hengerer: 101019-2021) in the New York Supreme Court (Borough of New York), that sought to compel Defendant Hengerer to produce the purported **"subcommittee"** opinion.

645. To date no physician/member of the New York State Medical Board has confirmed participating in any evaluation of Plaintiff Kaul's application.

Hengerer:

646. Co-Conspirator Hengerer is a board director of Defendant FSMB-FBM, with whom he engages in commerce related to the business of so called "**physician discipline**".

647. Co-Conspirator Hengerer is the Chairman of the New York State Board Committee for Professional Medical Conduct.

648. Co-Conspirator Hengerer has a controlling position in deciding which physicians licenses are suspended and or revoked.

649. Co-Conspirator Hengerer abuses the power of his position to have prohibited the issuance of licenses to physicians whom for-profit healthcare corporations (insurance/hospital/pharmaceutical) have targeted for elimination.

650. Co-Conspirator Hengerer abuses the power of his position to have suspended/revoked the licenses of physicians whom for-profit healthcare corporations (insurance/hospital/pharmaceutical) have targeted for elimination.

651. Co-Conspirator Hengerer is cognizant of the illegality of his participation in the **"HIPIC-FC" ("Hospital-Insurance-Pharmaceutical Industrial Complex – Federation Cartel")** scheme.

652. Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer compete with Plaintiff Kaul in the American healthcare market.

653. Despite Co-Conspirator Hengerer cognizance of the illegality he has persisted in his unlawful use of the US mail/wires to propagate the license prohibition scheme to prevent Plaintiff Kaul from participating in the relevant market.

654. Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer's license prohibition scheme constitutes a willful/ongoing antitrust injury to Plaintiff Kaul and the healthcare market.

655. Defendants FSMB-FBM/Geico and Co-Conspirators Allstate/Hengerer's license prohibition scheme constitutes an offense that Defendant Hengerer recognizes is violative of Plaintiff Kaul's constitutional/human rights to life/liberty/property.

656. Co-Conspirator Hengerer, despite knowing the penalties associated with his violations of antitrust law and of Plaintiff Kaul's constitutional/human rights, was motivated to commit the crimes.

657. Co-Conspirator Hengerer's motivation pertained to the economic benefit that inured to him.

658. The economic benefit derived partly from his commercial association with the American Hospital Association, to which Plaintiff Kaul's revolutionary outpatient spine surgical work presented a substantial business threat.

659. Co-Conspirator Hengerer was paid to be a surgical chairman at Strong Memorial Hospital in Rochester, NY for many decades.

660. The economic benefit derived partly from his commercial association with Defendant FSMB-FBM, which received bribes from for-profit healthcare corporations whose commercial agendas were threatened by Plaintiff Kaul's revolutionary outpatient spine surgical work.

661. In a period commencing on May 13, 2021, Co-Conspirator Hengerer, despite being noticed on multiple occasions by Plaintiff Kaul that he was participating in a **"pattern of racketeering"** did continue with his knowingly unlawful conduct.

FSMB-FBM/Allstate/Geico:

662. The introduction of the HCQIA in 1986 foreshadowed and created the conditions that spawned the **"HIPIC-FC"**.

663. Through the **"HIPIC-FC"** scheme Defendants Geico/FSMB-FBM and Co-Conspirator Allstate have converted the American healthcare market into a massive **"racketeering enterprise"**

purposed purely for profit at the expense and through the exploitation of the American public/medical profession.

664. The singular goal of for-profit healthcare corporations of is the maximization of executive compensation/share price at the cost of human life.

665. A February 22, 2018, article in ProPublica exposed Strong Memorial Hospital in Rochester, NY, as a corporation that reaps vast/excessive/disproportionate profits from conducting business in the healthcare market.

666. For many decades, Co-Conspirator Hengerer was Chairman of the Surgical Department at Strong Memorial Hospital, a member of the American Hospital Association.

667. Defendants FSMB-FBM/Geico and Co-Conspirator Allstate have conspired with/continue to conspire with Co-Conspirator Hengerer is using the New York State physician licensing apparatus to conduct a **"pattern of racketeering".**

668. Defendants FSMB-FBM/Geico and Co-Conspirator Allstate/Hengerer's **"pattern of racketeering"** involved the commission against Plaintiff Kaul of the RICO predicate acts of wire fraud/conspiracy/bribery/obstruction of justice.

669. Defendants FSMB-FBM/Geico and Co-Conspirator Allstate/Hengerer recognize that in committing these RICO predicate acts through the physician regulatory apparatus; they did knowingly convert the State of New York into a "**racketeering enterprise".**

670. A purpose of the commission of the RICO predicate acts was to prevent Plaintiff Kaul from procuring a New York license.

671. A purpose of the license prevention scheme was to suppress Plaintiff Kaul's economic resurgence.

672. A purpose of the suppression of Plaintiff Kaul's economic resurgence was to suppress his ability to prosecute **The Kaul Cases**.

673. A purpose of the suppression of Plaintiff Kaul's prosecution of **The Kaul Cases** was to suppress any further exposure to the global equities market/international regulators of the securities fraud crimes of Co-Conspirators Allstate/TD and Defendant Geico.

674. Defendant Geico (Berkshire Hathaway) and Co-Conspirators Allstate/TD and their counsel do know that on September 7, 2021, a release was published to the world-wide-web entitled: **"United States Securities And Exchange Commission Alerted To Securities Fraud Crimes Of Three Titans Of North American Finance"** (**Exhibit 1**).

675. The release was disseminated to the CEOs/CFOs of the S/P 500.

676. On September 7, 2021, Co-Conspirator Allstate's share price was 134, and on September 11, 2021, it was less than 132.

677. Subsequent to the release, Defendant Geico (Berkshire Hathaway) and Co-Conspirators Allstate/TD did use the US wires to transmit knowingly false information to their shareholders/global investment community.

678. The knowingly false information consisted of willful misrepresentations/omissions in SEC filings regarding litigation in India and the US.

679. In using the US wires to transmit knowingly false information to their shareholders/global investment community, Defendant Geico (Berkshire Hathaway) and Co-Conspirators Allstate/TD did knowingly violate section 10(b) of the Securities/Exchange Act.

680. Defendants FSMB-FBM/Geico and Co-Conspirator Allstate/Hengerer ongoing crimes constitute an **"ongoing open-ended pattern of racketeering"** being willfully conducted through **"SSN Association-In-Fact Enterprise"**.

681. Defendants FSMB-FBM/Geico and Co-Conspirator Allstate/Hengerer's knowingly **"ongoing open-ended pattern of racketeering"** continues to violate Plaintiff Kaul's constitutional/human rights.

682. The knowing/willful violation continues to cause Plaintiff Kaul to be illegally deprived (2012-Present) of his right to a livelihood.

683. The knowing/willful violation continues to cause Plaintiff Kaul to be illegally deprived (2012-Present) of his right/duty to support his children.

684. The knowing/willful violation continues to cause Plaintiff Kaul to be illegally deprived (2012-Present) of his right to freedom.

685. On May 27, 2021, **The Kaul Cases** Defendants, with knowledge of their immense civil/criminal liabilities in multiple international jurisdictions, did attempt to have Plaintiff Kaul seriously injured/killed.

686. Pursuant to RICO's doctrine of vicarious liability, all of **The Kaul Cases** Defendants have incurred, and will continue to incur liability of the aforementioned crimes, and any further ones that any of the Defendants might commit.

Violation of Civil Rights

Symbiosis of State/Private Actors

687. The 'state actor' Symbiotic test confirms that all Defendants and Co-Conspirators have 'state actor' status for the purpose of a section 1983 claim.

688. The 'state actor' Joint Participation Doctrine test confirms that all Defendants and Co-Conspirators have 'state actor' status for the purpose of a section 1983 claim.

689. The 'state actor' State Command and Encouragement test confirms that all Defendants and Co-Conspirators have 'state actor' status for the purpose of a section 1983 claim.

690. The 'state actor' Pervasive Entwinement test confirms that all Defendants and Co-Conspirators have 'state actor' status for the purpose of a section 1983 claim.

691. The 'state actor' Public Function test confirms that all Defendants and Co-Conspirators have 'state actor' status for the purpose of a section 1983 claim.

692. All of the above pled facts do confirm the intertwinement, for the purposes of section 1983 claims, of the 'state actor' status of the private actors/defendants/co-conspirators.

693. All of the above facts do confirm the intertwinement, for the purposes of section 1983 claims, of the conference on the state of the liability of the crimes caused by the private actors/defendants/co-conspirators against Plaintiff Kaul.

694. The above facts include the exchange between private and state actors of monies pertaining to **"patterns of racketeering"** conducted through American states.

695. The above facts include the exchange between private and state actors of monies pertaining to **"patterns of racketeering"** conducted through the United States District Court.

696. The above facts include the exchange between private and state actors of monies pertaining to **"patterns of racketeering"** conducted through the United States Bankruptcy Court.

694. The above facts include the exchange between private and state actors of information pertaining to **"patterns of racketeering"** conducted through American states.

695. The above facts include the exchange between private and state actors of information pertaining to **"patterns of racketeering"** conducted through the United States District Court.

696. The above facts include the exchange between private and state actors of information pertaining to **"patterns of racketeering"** conducted through the United States Bankruptcy Court.

697. The above facts include the exchange between private and state actors of monies for the purchase of state power/function through schemes of judicial/political bribery.

698. The above facts include the exchange between private and state actors of monies for the funding by the state of legal defenses of private actors/defendants in **The Kaul Cases**.

Section 1983 claim

699. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as 'state actors' did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the First Amendment of the United States Constitution.

700. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as 'state actors' did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the Second Amendment of the United States Constitution.

701. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as state-actors did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the Fourth Amendment of the United States Constitution.

702. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as state-actors did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the Fifth Amendment of the United States Constitution.

703. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as state-actors did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the Sixth Amendment of the United States Constitution.

704. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as state-actors did abuse state/federal power to knowingly/willfully violate and deprive Plaintiff Kaul of his constitutional rights pursuant to the Eight Amendment of the United States Constitution.

705. In a period from 2008/2009 to the present, **The Kaul Cases** Defendants, as state-actors did abuse state/federal power to knowingly/willfully violate and deprive Kaul Plaintiff of his constitutional rights pursuant to the Fourteenth Amendment of the United States Constitution.

706. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of his livelihood.

707. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his business real estate.

708. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his personal real estate.

709. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his life earnings.

710. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his pensions.

711. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his financial investments.

712. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his professional licenses.

713. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of all his accounts receivable.

714. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to due process.

715. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to free speech.

716. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to impartial tribunals/judges/courts.

717. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to prosecute his claims.

718. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to equal protection under the law.

719. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of his right to liberty.

720. These deprivations/violations willfully/maliciously caused by **The Kaul Cases** Defendants did illegally deprive Plaintiff Kaul of the property of eleven (11) years of his life.

721. These deprivations/violations/injuries were willfully/maliciously perpetrated by private actors within/through/with the assistance of the executive/judicial apparatus of the American State.

722. These deprivations/violations/injuries were willfully/maliciously perpetrated by private actors within/through/with the assistance of the United States Bankruptcy Court.

723. These deprivations/violations/injuries were willfully/maliciously perpetrated by private actors within/through/with the assistance of the United States District Court.

724. These deprivations/violations/injuries were willfully/maliciously perpetrated by private actors within/through/with the assistance of the New York Stock Exchange.

725. These deprivations/violations/injuries were willfully/maliciously perpetrated by state actors within/through/with the assistance of the executive/judicial apparatus of the American State.

726. These deprivations/violations/injuries were willfully/maliciously perpetrated by state actors within/through/with the assistance of the United States Bankruptcy Court.

727. These deprivations/violations/injuries were willfully/maliciously perpetrated by state actors within/through/with the assistance of the United States District Court.

724. These deprivations/violations/injuries were willfully/maliciously perpetrated by state actors within/through/with the assistance of the New York Stock Exchange.

725. The commercial/communications nexus between state and private actors within **The Kaul Cases**, critical to the perpetration of the within pled schemes confers 'state actor' liability on all private actors as to the deprivations/violations/injuries caused to Plaintiff Kaul's human/constitutional rights.

726. The commercial/communications nexus between state and private actors within **The Kaul Cases**, critical to the perpetration of the within pled schemes confers 'state actor' liability on all private actors as to the deprivations/violations/injuries caused to all Plaintiff Kaul's property rights, as stated above.

727. **The Kaul Cases** Defendants were and are motivated to commit and continue to commit these deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

728. The motivation is based on **The Kaul Cases** Defendants scheme to prevent Plaintiff Kaul from exposing their crimes, including those of defrauding the global equities market.

UN Human Rights Violation

The United Nations Universal Declaration of Human Rights

729. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 1 of the United Nations Universal Declaration of Human Rights: **"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."**

730. The Article 1 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

731. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 2 of the United Nations Universal Declaration of Human Rights. Plaintiff Kaul is a citizen of India: **"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."**

732. The Article 2 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

733. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 3 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to life, liberty and security of person."**

734. The Article 3 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

735. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 4 of the United Nations Universal Declaration of Human Rights: **"No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms."**

736. The Article 4 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

737. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 5 of the United Nations Universal Declaration of Human Rights: **"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."**

738. The Article 5 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

739. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 6 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to recognition everywhere as a person before the law."**

740. The Article 6 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

741. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 7 of the United Nations Universal Declaration of Human Rights: **"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."**

742. The Article 7 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

743. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 8 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."**

744. The Article 8 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

745. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 9 of the United Nations Universal Declaration of Human Rights: **"No one shall be subjected to arbitrary arrest, detention or exile."**

746. The Article 9 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

747. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 10 of the United Nations Universal Declaration of Human Rights: "**Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.**"

748. The Article 10 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

749. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 12 of the United Nations Universal Declaration of Human Rights: **"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."**

750. The Article 12 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

751. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 12 of the United Nations Universal Declaration of Human Rights: **"No one shall be subjected to arbitrary interference with his privacy, family, home,**

or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

752. The Article 12 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

753. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 12 of the United Nations Universal Declaration of Human Rights: **"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."**

754. The Article 12 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

755. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 17 of the United Nations Universal Declaration of Human Rights: **"1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property."**

756. The Article 17 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

757. The Kaul Cases Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 19 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."**

758. The Article 19 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

759. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 23 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment."**

760. The Article 23 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

761. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 23 of the United Nations Universal Declaration of Human Rights: **"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."**

762. The Article 23 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

763. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 28 of the United Nations Universal Declaration of Human Rights: **"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."**

764. The Article 28 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

765. **The Kaul Cases** Defendants and Co-Conspirators did knowingly and maliciously violate Plaintiff Kaul's rights pursuant to Article 30 of the United Nations Universal Declaration of Human Rights: **"Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."**

766. The Article 30 violation caused and continues to cause deprivations/violations/injuries to Plaintiff Kaul's human/constitutional/property rights.

BASCH CLAIM

RICO

Association-In-Fact Enterprise: Rivkin Radler-United States District Court ("SRU Association-In-Fact Enterprise"/"RRU Scheme")
Defendant Persons: Geico/Rivkin Radler/Gersenoff
RICO Predicate Acts: mail fraud/wire fraud/bribery/public corruption

Overview:

767. In a period that commenced in or about 2008/2009, Defendants Geico and Co-Conspirators Rivkin Radler/Gersenoff did conspire to conduct, and did with a knowing illegality, conduct a **"pattern of racketeering".**

768. The **"pattern of racketeering** was conducted through the **"RRU Association-In-Fact Enterprise"**.

769. The **"pattern of racketeering"** involved the commission of the RICO predicate acts of mail fraud/wire fraud/bribery/public corruption.

770. The perpetration of the **"RRU Scheme"** was conducted under cover of the law firm of Co-Conspirator Rivkin Radler, a Florida business and the United States District Court.

771. The purpose of the **"RRU Scheme"** was/is to exploit the medical expertise of Plaintiff Basch and defraud him of his property, by illegally using the authority of the United States District Court to concoct and initiate 'sham' litigation.

772. A purpose of the 'sham' litigation was to force Plaintiff Basch into relinquishing his claims against Defendant Geico for reimbursement for care provided to Defendant Geico's clients by Plaintiff Basch.

773. A purpose of the 'sham' litigation was to force Plaintiff Basch into 'settling' with Defendant Geico and paying them a purported **"restitution"**.

774. The purpose of the **"restitution"** and nullification of Plaintiff Basch's claims was to increase corporate/executive compensation and share price through the exploitation of the property of Plaintiff Basch's time/expertise.

775. An element of the **"RRU Scheme"** involves defrauding the public into purchasing expensive insurance policies based on a lie that in the event of injury, medical services will be provided. They are not. Defendant Geico takes the money, but then refuses to pay for care, and sues the doctors who pursue their claims through arbitration.

776. Defendant Geico and Co-Conspirators Gersenoff/Rivkin Radler have been aided and abetted in the **"RRU Scheme"** by corrupted judges within the United States District Court, who fail to dismiss their knowingly false and unsubstantiated claims.

777. Defendant Geico and Co-Conspirators Gersenoff/Rivkin Radler have been aided and abetted in the **"RRU Scheme"** corrupted politicians within both the state/federal governments

778. Defendant Geico and Co-Conspirators Gersenoff/Rivkin Radler have been aided and abetted in the **"RRU Scheme"** corrupted media outlets, the role of the latter entity being to digitally disseminate slanderous/libelous information about the person/s against whom they file suit.

779. Defendant Geico has perpetrated, and continues to perpetrate this scheme, at the heart of which lies a **"pattern"** of fraud, the origination of which lies in the below facts (781-791).

780. There exists a no-fault arbitration system that adjudicates claims filed by physicians and other health related professionals, against auto-insurance carriers for compensation regarding care life-saving care delivered to their clients, who have sustained injuries in car accidents.

781. If a physician prevails in these arbitrations, Defendant Geico then files knowingly fraudulent lawsuits in the United States District Court.

782. Defendant Geico files these lawsuits to re-litigate their losses in arbitration forums to whose jurisdiction they submitted.

783. In the arbitration proceedings the Defendant Geico schemes to intentionally omit arguments they subsequently submit in the United States District Court.

784. Defendant Geico omits these arguments as they recognize that they can be dismantled without cost, as the legal fees are in almost all cases paid by the losing insurance carrier.

785. However, the federal court suits require the physician retain a lawyer at his own, usually enormous expense.

786. Within the subsequent federal court action, Defendant Geico files knowingly false, **evidentially un-supported** RICO claims.

787. Within the RICO claims they seek not only monetary amounts far in excess of what they paid the physician, nullification of pending claims/arbitrations and injunctions to stop the physician ever treating any of their injured clients.

788. This constitutes an **"open-ended pattern of racketeering"**.

789. Defendant Geico's **"open-ended pattern of racketeering"** converted the United States District Court into a massive **"racketeering enterprise".**

790. Similarly, Defendant Geico's **"open-ended pattern of racketeering"** converted the American government and the NYSE/SEC into a **"racketeering enterprise"**.

791. American corporations have, over the last four (4) decades, through massive schemes of public corruption, converted America into a **"racketeering enterprise"**, where the only value/commodity/thing of existence is corporate profit.

792. Consequent to Defendant Geico's **"pattern of racketeering",** Plaintiff Basch has sustained, and continues to sustain substantial and irreparable injury to his reputation and finances and has no other recourse than to bring suit in this Court.

793. Defendant Geico and Co-Conspirators Gersenoff/Rivkin Radler have corrupted the judges/court within the District of New Jersey and thus Plaintiff Basch, in exercising his Constitutional right to due process/impartial tribunal is afforded the right to vindicate his rights in any court within the United States District Court, other than the District of New Jersey.

Geico:

Mail Fraud/Wire Fraud:

794. In a period from 2008/2009 to 2021, Defendant Geico did, with a knowing illegality, and in collusion/conspiracy with judges in the United States District Court/Defendant Rivkin Radler/Gersenoff use the US mail/wires in furtherance of the **"RRU Scheme"**.

795. The **"RRU Scheme"** was perpetrated by/through a **"pattern of racketeering"** whose continuity is **"open-ended".**

796. Defendant Geico and Co-Conspirators Gersenoff/Rivkin Radler knowingly converted the United States District Court into a **"racketeering enterprise".**

797. Certain judges within the United States District Court have been aiders/abettors of the Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler decades-plus-long criminal schemes.

798. Defendant Geico launders the proceeds of its criminal enterprise through the NYSE and members of the S/P 500, a fact they conceal from the global equities market.

Bribery/Public Corruption:

800. In a period from 2008/2009 to 2021, Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler used the US mail and wires to conspire to commit, and commit the RICO predicate acts of bribery/public corruption.

801. The acts of bribery/public corruption involved the funneling bribes to certain judges within the United States District Court in a series of quid pro quo schemes In exchange for the entry of order/judgements adverse to Plaintiff Basch/other physicians, while entering orders/judgments advantageous to Defendant Geico.

802. In the commission of these crimes, Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler did know the illegality of their misconduct and do know the severe civil/criminal penalties associated with such felonious conduct.

803. Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler corruption of the United States District Court has violated and continues to violate the Constitutional right of Plaintiff Basch to due process/impartial tribunal/equal protection, when life/liberty/property are at stake, as they are here.

804. Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler have violated the right of Plaintiff Basch to independent counsel, in that Defendant Geico and Co-Conspirator Gersenoff/Rivkin Radler continue to conspire to coerce his counsel into having Plaintiff Basch concede to Defendant Geico's fraudulent claims.

Co-Conspirator Rivkin Radler:

Mail Fraud/Wire Fraud:

805. In a period from 2008/2009 to 2023, Co-Conspirator Rivkin Radler has conducted and continues to conduct schemes of mail and wire fraud.

806. With a knowing illegality, Co-Conspirator Rivkin Radler uses the US mail/wires to exchange knowingly fraudulent information with members the federal government/judiciary.

807. These fraudulent exchanges facilitate/further Co-Conspirator Rivkin Radler multiple **"ongoing"** illegal schemes.

808. Co-Conspirator Rivkin Radler is a central cog in Defendant Geico's decades-plus-long" ongoing **"open-ended pattern of racketeering"** conducted through **"enterprises"** associated from the executive/judicial/legislative entities of state.

809. American corporations have coopted the American government into their criminal enterprise/conspiracy, a critical precursor, without which there could have been no perpetration of the COVID vaccine catastrophe.

810. Co-Conspirator Rivkin Radler uses the cover of its law firm/attorney-client privilege to perpetrate various criminal enterprises, in collusion/conspiracy with certain persons within the political/judicial bodies.

811. Co-Conspirator Rivkin Radler in collusion/conspiracy with Defendant Geico have used and continue to use these criminal enterprises to inflict intentional harm on the economic standing and reputation of Plaintiff Basch, harm for which he now seeks recompense.

Bribery/Public Corruption:

812. Co-Conspirator Rivkin Radler has within the last two (2) decades, if not longer, perpetrated massive schemes of judicial/public corruption.

813. Within the schemes, Co-Conspirator Rivkin Radler has acted as a conduit of bribes from corporations to state/federal politicians/judges, bribes disguised as 'legal fees'/'political campaign donations'.

814. Within the schemes, Co-Conspirator Rivkin Radler has acted a progenitor of bribes/favors to corrupted judges ('no show' jobs to family members), in order to secure favorable orders/judgments.

815. Co-Conspirator Rivkin Radler has conducted and conducts these illegal schemes with impunity.

816. Co-Conspirator Rivkin Radler has employed and continues to employ this scheme against Plaintiff Basch in violation of his Constitutional right to due process/impartial tribunal/equal protection.

817. Co-Conspirator Rivkin Radler and Defendant Geico perpetrate this scheme in pursuit of profit through the exploitation of the medical expertise/economic welfare of Plaintiff Basch.

818. Co-Conspirator Rivkin Radler has conducted/conducts these illegal schemes of bribery/public corruption with knowledge of their illegality.

Co-Conspirator Gersenoff:

Mail Fraud/Wire Fraud:

819. Co-Conspirator Gersenoff, in a period from 2008/2009 to 2021, did with a knowing illegality, use the US mail/wires to exchange information with **The Kaul Cases** Defendants and Co-Conspirator Rivkin Radler regarding the planning and execution of multiple **"racketeering schemes"**, including the **"RRU Scheme".**

820. Within these communications, Co-Conspirator Gersenoff acknowledged that Defendant Geico's strategy was to file knowingly false RICO claims against physicians to whom Defendant Geico owed monies and against whom Defendant Geico had lost in arbitration.

821. Co-Conspirator Gersenoff acknowledged that these filings did constitute the crimes of mail/wire fraud.

822. However, Co-Conspirator Gersenoff stated that because Defendant Geico had corrupted judges/prosecutors/politicians in the United States, their crimes would remain un-investigated and un-prosecuted.

823. Similarly, Co-Conspirator Gersenoff asserted that most lawyers had either been corrupted or were too fearful to file RICO or antitrust claims against Defendant Geico on behalf of physicians injured by Defendant Geico's racketeering.

824. Co-Conspirator Gersenoff admitted during one phone call with Plaintiff Basch's lawyer that Defendant Geico controlled the entire judicial/prosecutorial apparatus within the District of New Jersey and New York.

825. Co-Conspirator Gersenoff's 'Fraud on the Court' scheme has caused and continues to cause injury/violation to the Constitutional rights/economic standing/reputation of Plaintiff Basch, for which he now seeks recompense in this Court.

Bribery:

826. Within the last two (2) decades, Co-Conspirator Gersenoff has conducted a knowingly illegal fraud perpetrating quid pro quo bribery based **"pattern of racketeering".**

827. Co-Conspirator Gersenoff has conducted this **"pattern of racketeering"** through the enterprise of the law firm of Co-Conspirator Rivkin Radler.

828. To aid/abet/attempt to conceal the commission of the **"pattern of racketeering**, Co-Conspirators Gersenoff/Rivkin Radler falsely claim attorney-client privilege as cover for the crime of trafficking bribes from Defendant Geico to state/federal politicians/judges.

829. The false claim of 'attorney-client privilege' is responsible, in the same manner as banks laundering drug cartel profits, for furthering massive quid pro quo schemes that have exploited, and continue to exploit the American public/medical profession in pursuit of corporate/shareholder profit.

830. For these ongoing/willful injuries, Plaintiff Basch seeks recompense.

Relief

On February 22, 2016, in K1 (Kaul v Christie: 16-CV-02364) the first of **The Kaul Cases**, Kaul set forth in the Complaint, the calculations underpinning his monetary demand. From this date until September 12, 2022, not one of **The Kaul Cases** Defendants, nor any of the intervening judges, have submitted argument/opinion/fact that demonstrates and or proves any flaws in the calculation, and have thus implicitly validated its accuracy. Instead, the submissions have consisted entirely of unsubstantiated derogations consistent with **The Kaul Cases** Defendants six (6) years-worth of frivolous briefing, judicial corruption, and evidential avoidance. The demands in K11-14 remain unchanged.

Certification

We, the Plaintiffs, do certify that the above statements are true and accurate to the best of our knowledge, and that if it is proved that we knowingly and willfully misrepresented the facts, then we will be subject to punishment.

RICHARD ARJUN KAUL, MD

DAVID BASCH, MD

DATED: June 19, 2023

ORIGIN ID:LKKA (973) 984-8028
FEDEX TEAM
1960 STATE ROUTE 10
MORRIS PLAINS, NJ 07950
UNITED STATES US

SHIP DATE: 21JUN23
ACTWGT: 17.25 LB
CAD: 6997756/SSF02422
BILL CREDIT CARD

Part # 156297-435 RRDB EXP 05/24

10 SOUTHERN DISTRICT OF FLORIDA
CLERK OF COURT US DISTRICT COURT
400 NORTH MIAMI AVE

MIAMI FL 33128

U.S.M.S.
INSPECTED
BY:

(111) 111-1111
INV:
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3785346

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ROLE OF DEFENDANT FEDERATION STATE MEDICAL BOARDS IN COVID VACCINE INJURIES DEATHS

EXHIBITS 1 - 4

Exhibit 1

THE **VACCINE DEATH** REPORT

Evidence of millions of deaths and serious adverse events resulting from the experimental COVID-19 injections

BY DAVID JOHN SORENSEN & DR. VLADIMIR ZELENKO MD

VERSION 1.0 SEPTEMBER 2021

PURPOSE

The purpose of this report is to document how all over the world millions of people have died, and hundreds of millions of serious adverse events have occurred, after injections with the experimental mRNA gene therapy. We also reveal the real risk of an unprecedented genocide.

FACTS

We aim to only present scientific facts and stay away from unfounded claims. The data is clear and verifiable. Over one hundred references can be found for all presented information, which is provided as a starting point for further investigation.

COMPLICITY

The data suggests that we may currently be witnessing the greatest organized mass murder in the history of our world. The severity of this situation compels us to ask this critical question: will we rise to the defense of billions of innocent people? Or will we permit personal profit over justice, and be complicit? Networks of lawyers all over the world are preparing class-action lawsuits to prosecute all who are serving this criminal agenda. To all who have been complicit so far, we say: There is still time to turn and choose the side of truth. Please make the right choice.

WORLDWIDE

Although this report focuses on the situation in the United States, it also applies to the rest of the world, as the same type of experimental injections with similar death rates - and comparable systems of corruption to hide these numbers - are used worldwide. Therefore we encourage everyone around the world to share this report. May it be a wake-up call for all of humanity.

AT LEAST 5 TIMES MORE DEATHS

CDC WHISTLEBLOWER SIGNS SWORN AFFIDAVIT

VAERS data from the American CDC shows that as of September 17, 2021, already **726,963 people** suffered adverse events, including stroke, heart failure, blood clots, brain disorders, convulsions, seizures, inflammations of brain & spinal cord, life-threatening allergic reactions, autoimmune diseases, arthritis, miscarriage, infertility, rapid-onset muscle weakness, deafness, blindness, narcolepsy, and cataplexy. Besides the astronomical number of severe side effects, the CDC reports that almost **15,386 people died** as a result of receiving the experimental injections. However, a CDC healthcare fraud detection expert named Jane Doe investigated this and came to the shocking discovery that the number of deaths is at least five times higher than what the CDC is admitting. In fact, in her initial communications to professor in medicine Dr. Peter McCullough, this whistleblower said that the number of deaths is ten times higher. The CDC health fraud detection expert signed an affidavit, in which she stated her findings. She carefully chose the wordings **'...under-reported by a conservative factor of at least five',** but as she revealed initially, the factor could also be ten. Here is an excerpt of the affidavit: [1]

'I have, over the last 25 years, developed over 100 distinct healthcare fraud detection algorithms. ... When the COVID-19 vaccine clearly became associated with patient death and harm, I was inclined to investigate the matter. It is my professional estimate that VAERS (the Vaccine Adverse Event Reporting System) database, while extremely useful, is under-reported by a conservative factor of at least 5. ... and have assessed that the deaths occurring within 3 days of vaccination are higher than those reported in VAERS by a factor of at least 5.'

According to this CDC health fraud detection expert the number of vaccine deaths in the U.S. is not 15,386 but somewhere between 80,000 and 160,000.

The CDC is also vastly underreporting other adverse events, like severe allergic reactions (anaphylaxis). The Informed Consent Action Network (ICAN) reported that a study showed how the actual number of anaphylaxis is **50 to 120 times higher** than claimed by the CDC.[2, 3] On top of that, a private researcher took a close look at the VAERS database, and tried looking up specific case-ID's. He

found countless examples where the original death records were deleted, and in some cases, the numbers have been switched for milder reactions. He says:

'What the analysis of all the case numbers is telling us right now is that there's approximately 150,000 cases that are missing, that were there, that are no longer there. The question is, are they all deaths?' [4]

How severely criminal the CDC is, was also revealed a few years ago, when researchers investigated the link between vaccines and autism. They found that there indeed is a direct connection. So what did the CDC do? All the researchers came together and a large dustbin was placed in the middle of the room. In it they threw all the documents that showed the link between autism and vaccinations. Thus, the evidence was destroyed. Subsequently, a so-called 'scientific' article was published in Pediatric, stating that vaccinations do not cause autism. However, a leading scientist within the CDC, William Thompson, exposed this crime. He publicly admitted:

'I was involved in misleading millions of people about the possible negative side effects of vaccines. We lied about the scientific findings.' [5]

The worst example of criminal methodology used to hide vaccine deaths is the fact that the CDC doesn't consider a person vaccinated until two weeks after their second injection. This means that anyone who dies during the many weeks before or the two weeks after the second injection, are considered unvaccinated deaths, and are therefore not counted as vaccine deaths. By doing this, they can ignore the vast majority of deaths following the injection. This is the nr 1 method used in nations worldwide to hide the countless numbers of vaccine deaths. [6,7]

300,000 ADVERSE EVENTS

MODERNA HIDES HUNDREDS OF THOUSANDS OF REPORTS

A whistleblower from Moderna made a screenshot of an internal company notice labelled "Confidential - For internal distribution only", showing there were 300,000 adverse events reported in only three months:

'This enabled the team to effectively manage approximately 300,000 adverse event reports and 30,000 medical information requests in a three month span to support the global launch of their COVID-19 vaccine.' [8]

50,000 MEDICARE VACCINATED DIED

U.S. DEATH RATE PROBABLY NEAR 250,000

Attorney Thomas Renz received information from a whistleblower inside the Centers for Medicare & Medicaid Service (CMS), which reveals how **48,465 people died** shortly after receiving their injections. He emphasized that these death numbers are from less than 20% of the U.S. population.[9]

If we apply this number to the entire U.S. population, we see a death rate of almost 250,000.

LESS THAN 1% IS REPORTED

THE ACTUAL NUMBER IS 100X HIGHER

All this information already shows us that the number of adverse events and deaths is a multitude of what is being told to the public. The situation is however still far worse than most of us can even imagine. The famous Lazarus report from Harvard Pilgrim Health Care inc. in 2009 revealed that in general only 1% of adverse events from vaccines is being reported: [10]

'Adverse events from drugs and vaccines are common, but underreported. Although 25% of ambulatory patients experience an adverse drug event, less than 0.3% of all adverse drug events and 1-13% of serious events are reported to the Food and Drug Administration (FDA). Likewise, fewer than 1% of vaccine adverse events are reported.'

REASONS FOR UNDERREPORTING

THE POPULATION IS MISINFORMED

The reason that less than 1% of adverse events is reported, is first of all because the majority of the population is not aware of the existence of reporting systems for vaccine injuries. Secondly, the pharmaceutical industry has been waging an unrelenting media war over the past decades against all medical experts, who attempted to inform the public about the dangers of vaccines. One deployed strategy is name-calling, and the negative label 'anti-vaxxer' was chosen to shame and blame all scientists, physicians, and nurses who speak out about the devastation caused by vaccinations.

Because of this criminal campaign of aggressive suppression of adverse events data, the majority of the population is clueless that vaccines can cause any harm at all.

The widespread propaganda by the vaccine companies, who use government agencies as their main carousel, simply told humanity for decades that adverse events are a very rare occurrence. When vaccinated people, therefore, suffer from serious adverse events, it doesn't even occur to them that this could be from previous injections, and therefor don't report it as such.

During the current world crisis the attacks on medical experts who are warning about vaccines, have gone to an even higher level. Medical experts are now being completely de-platformed from all social media, their websites are deranked by Google, entire YouTube channels are deleted, many have lost their jobs, and in some countries, medical experts have been arrested, in an attempt to suppress the truth about the experimental covid injections.

Several countries are now labeling scientists who speak out against vaccines 'domestic terrorists'. It is clear that all means have to be deployed by the criminal vaccine cartel to suppress what is going on with these shots.

As a result, countless medical professionals are afraid to report adverse events, which further contributes to the underreporting of these side effects. Additionally, the amount of scientific information warning for these dangerous biological agents, and the number of medical experts warning humanity, is so overwhelming and almost omnipresent - despite the aggressive attempts to silence them - that it is virtually impossible for any medical professional to not be at least somewhat aware of the risk they are taking, by administering an untested DNA altering injection, without even informing their patients of what is being injected into their body. If they then see their patients die or become disabled for life, they are naturally afraid of being held accountable, and therefore have yet another motivation for not reporting the adverse events.

Lastly: many medical professionals receive financial incentives to promote the vaccines. In the United Kingdom for example nurses get £10 per needle they put into a child. That again is a reason for them to not report adverse events.

250,000 VACCINE COMMENTS

FACEBOOK REVEALS TSUNAMI OF ADVERSE EVENTS

A local ABC News Station posted a request on Facebook for people to share their stories of unvaccinated loved ones that died. They wanted to make a news story on this. What happened was totally unexpected. In five days time over 250,000 people posted comments, but not about unvaccinated loved ones. All the comments talk about vaccinated loved ones that died shortly after being injected, or that are disabled for life. The 250,000 comments reveal a shocking death wave among the population, and the heart wrenching suffering these injections are causing. The post was already shared 200,000 times, and counting... [11]

WXYZ-TV Channel 7
10 september om 13:40 ·

After the vaccines were available to everyone, did you lose an unvaccinated loved one to COVID-19? If you're willing to share your family's story, please DM us your contact information. We may reach out for a story we're working on.

Adam Lee Marcus · **Volgen**
I know people who died painfully from the vaccine. Want those stories?
Leuk · **Beantwoorden** · 1 d 9,2 d.

↳ 851 antwoorden

Cindi D. Markham
I had a uncle and cousin die from the jab! My son in laws aunt died from it and 3 more friends died from it.
Leuk · **Beantwoorden** · 2 d · Bewerkt 6

Andrea Ashton
My uncle suffered a stroke due to blood clots and complications days after his second chot. Would you please do a story about all these reactions?
Leuk · **Beantwoorden** · 2 d 882

↳ 13 antwoorden

Katie Jeroudi
A friend of a parent went into cardiac arrest almost immediately after receiving second dose. They were unableto revive her.
I alsoknow of someone who lost a limb due to a blood clot/circulation issue after being fully vaccinated.
Hm. From the looks of the comments, you might want to change your story topic.

Leuk · Beantwoorden · 3 d 11 d.

↳ 251 antwoorden

Pamela Witte
Yes please please please do a story on all the ones who have died after being vaccinated, more than anyone will know because no one will tell the truth

Leuk · Beantwoorden · 4 d 8,3 d.

↳ 110 antwoorden

Carmen Marie
No we were all fine but almost lost one of my vaccinated family members!

Leuk · Beantwoorden · 3 d 15 d.

↳ 117 antwoorden

Lani Rose
My son's classmate lost her mother from heart complications due to the vaccine.

Leuk · Beantwoorden · 3 d 20 d.

↳ 372 antwoorden

Liz Lemery Joy
Will you be doing any stories of the people that overcame Covid and have antibodies? Will you be doing any stories on the thousands that also have debilitating side effects from the vaccine? Curious if you will be balanced journalists and media or not- but guessing NO!

Leuk · Beantwoorden · 2 d · Bewerkt 64 d.

↳ 3.160 antwoorden

Julie-Wilson Fogle
Lost my Mom 10 days after she got her 2nd Pfizer jab. She couldn't swallow or talk correctly the very next day...was hospitalized and basically never "woke up" again. Was sent home on hospice after 5 days in the hospital and died at home 2 days later. ... **Meer weergeven**

Leuk · Beantwoorden · 3 d 876

↳ 32 antwoorden

Noelle O'Foster
My dad flatlined after his second dose of Moderna
Leuk · Beantwoorden · 4 d 7,5 d.
↳ 294 antwoorden

Angel West
I lost a relative that got the shot, then got Covid, them died in hospital! She knew she was reacting from the shot and didn't feel well after getting it. Her husband took her in to hospital and was never allowed to see her again, him & their daughters. She was a healthy 54 yr old. This was in Abbotsford Hospital, BC.
Leuk · Beantwoorden · 9 u 82

De Ann Burk
I am so sorry for all of us. My husband has been in a terrible health situation after his second Pfizer vaccination. He passed away for a brief time then brought back to life. Along w multiple trips to the Er with mini stroke and the latest ct scan showed a legion growing in his brain and he was told not to drive. Literally it's like new symptoms keep happening and we are spending all our money on office visits, specialists and tests. No one and I mean NO ONE DARES to record the data as a vaccine reaction. So yeah. There's a huge trust issue underneath this virus and it's vaccine.
Leuk · Beantwoorden · 3 d 882
↳ 36 antwoorden

Gina Coscarart
Liz Lemery Joy I had a stroke with 2nd vaccine and the doctors can't report it. Go figure.
Leuk · Beantwoorden · 1 d 566
↳ 188 antwoorden

Notice in the last comment how the lady says that everybody in the hospital is afraid to report this as a vaccine reaction, and another person says 'the doctors can't report it'.

That is proof of what I explained earlier: Most medical professionals are either too terrified to report adverse events, or they are simply corrupt. This causes the true prevalence of vaccine injuries to remain hidden from the world. The 250,000+ comments show that once people find a place to report their suffering caused by the injections, we see a tsunami...

VACCINE DEATHS SUMMARY

IT IS FAR WORSE THAN WE THINK

✓ VAERS published 726,963 adverse events, including 15,386 deaths as of September 17, 2021

✓ CDC fraud expert says that number of deaths is at least five times, and possibly ten times higher

✓ A whistleblower from the Centers for Medicare & Medicaid Service (CMS) revealed how almost 50,000 people died from the injections. They represent only 20% of the U.S. population, meaning that if this data is applied to the entire population 250,000 have died

✓ 150,000 reports have been rejected or scrubbed by the VAERS system

✓ The actual number of anaphylaxis is 50 to 120 times higher than claimed by the CDC

✓ Everyone who dies before two weeks after the second injection, is not considered a vaccine death, which causes the majority of early vaccine deaths to be ignored

✓ Moderna received over 300,000 reports of adverse events in only three months-time

✓ The Lazarus Report shows that only 1% of adverse events is being reported by the public

✓ The majority of the population is not aware of the existence of systems where they can report vaccine adverse events

✓ Aggressive censorship and propaganda told the public that adverse events are rare, causing people to not understand how their health problems stem from past injections

✓ The shaming and blaming of medical professionals who say anything against the vaccines, cause many in the medical community to avoid reporting adverse events

✓ The fear of being held accountable after administering an injection that killed or disabled patients, further prevents medical personnel from reporting it

✓ Having accepted financial incentives to promote, and administer the covid vaccines, also stops medical personnel from reporting adverse events

✓ Profit driven vaccine manufacturers have every reason not to report the destruction their untested experimental products are causing

✓ 200,000+ Facebook users comment about vaccine deaths and serious injuries

MILLIONS OF DEATHS WORLDWIDE

According to scientific data less than 1% of vaccine injuries are being reported. From that 1% the majority is being hidden by the authorities. They put systems in place to ignore the bulk of vaccine deaths. Combining these facts with the data that is revealed by government whistleblowers, we see that in the United States hundreds of thousands have died from the injections. As the rest of the world uses the same injections, we know that on a global scale the number of vaccine deaths is without a doubt millions.

This is only the short term tsunami of adverse events. Bill Gates, the world's leading vaccine dealer and a driving force behind the worldwide vaccine push, said in an interview with the BBC that most adverse events only show up after two years, which is why vaccine development usually takes many years. This means that the waves of deaths and disabilities in the coming years will be exponentially greater. Especially because more and more booster shots are imposed on the population, and vaccine passports being implemented.

WORLD EXPERTS WARN HUMANITY

LEADING SCIENTISTS ISSUE GRAVE WARNINGS

This alarming data leads world experts, like the Nobel Prize Winner in Medicine, Dr. Luc Montagnier, to issue a grave warning that we are currently facing the greatest risk of worldwide genocide, in the history of humanity.[12] Even the inventor of the mRNA technology, Dr. Robert Malone, warns against these injections that are using his technology.[13,14] The situation is so severe that former Pfizer vice president and chief scientist Dr. Mike Yeadon came forward to warn humanity for these extremely dangerous injections. One of his best known videos is titled 'A Final Warning'.[15] Another world renown scientist, Geert Vanden Bossche, former Head of Vaccine Development Office in Germany, and Chief Scientific Officer at Univac, also risks his name and career, by bravely speaking out against administration of the covid shots. The vaccine developer warns that the **injections can compromise the immunity of the vaccinated, making them vulnerable for every new variant.**[16, 17] WWII holocaust survivors wrote to the European Medicines Agency demanding the injections to be stopped, which they consider to be a new holocaust. [18]

VACCINE DEATHS WORLDWIDE

THE SAME GOES FOR NATIONS AROUND THE WORLD

The situation we described in the United States illustrates the destruction caused by these injections, and how corrupt health agencies and vaccine manufacturers hide the vast majority of adverse events. We will however briefly touch upon some other countries, to prove that the situation in America is not unique.

EUROPEAN UNION

In the European Union (which consists of only 27 of the 50 European countries) the official reports of EudraVigilance officially admit as of August 18th 2021 that approx**. 22,000 people died and 2 million suffered side effects, of which 50% are serious.** [19, 20] What are serious injuries?

'It be classified as 'serious' if it corresponds to a medical occurrence that results in death, is life-threatening, requires inpatient hospitalisation, results in another medically important condition, or prolongation of existing hospitalisation, results in persistent or significant disability or incapacity, or is a congenital anomaly/birth defect.'

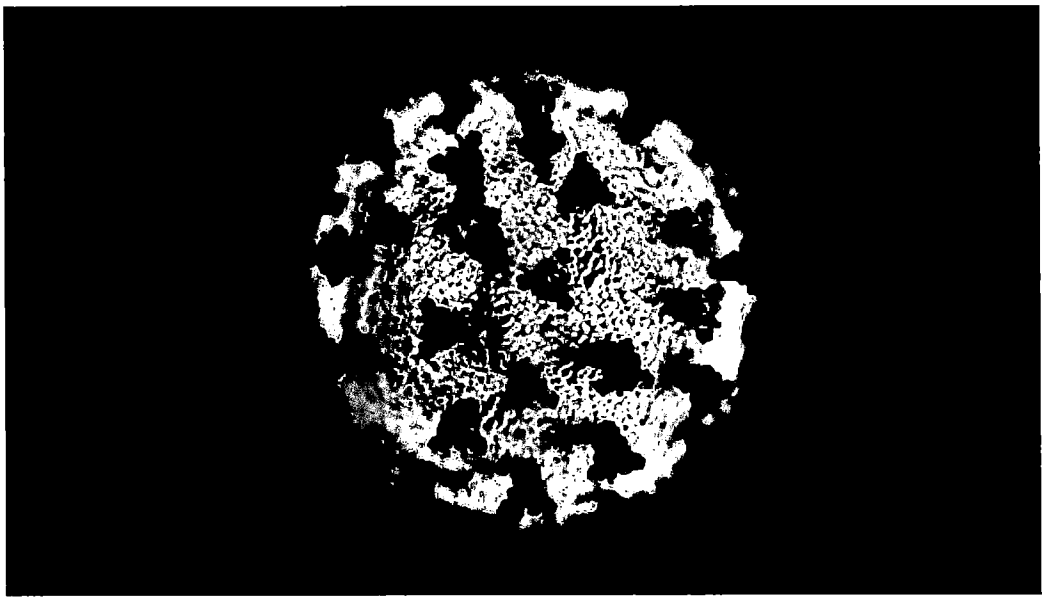
In The Netherlands, one of the smallest nations in the European Union, an extra parliamentary research committee set up a platform for citizens to report vaccine adverse events. This is no initiative from the government and has received no attention in the media. The majority of the Dutch population is therefore unaware of its existence. Yet, despite its limited influence, this private initiative has already received reports of **1,600 deaths and 1,200 health damages, often permanently disabling the people.**[21]

UNITED KINGDOM

Shortly before the national vaccination campaign started, the MHRA (Medicines and Healthcare Products Regulatory Agency) published the following request:

'The MHRA urgently seeks an Artificial Intelligence (AI) software tool to process the *expected high volume of Covid-19 vaccine Adverse Drug Reaction* (ADRs) and ensure that no details from the ADRs' reaction text are missed.' [22]

Trump: COVID-19 + Crimes Against Humanity + Medical Board Corruption.



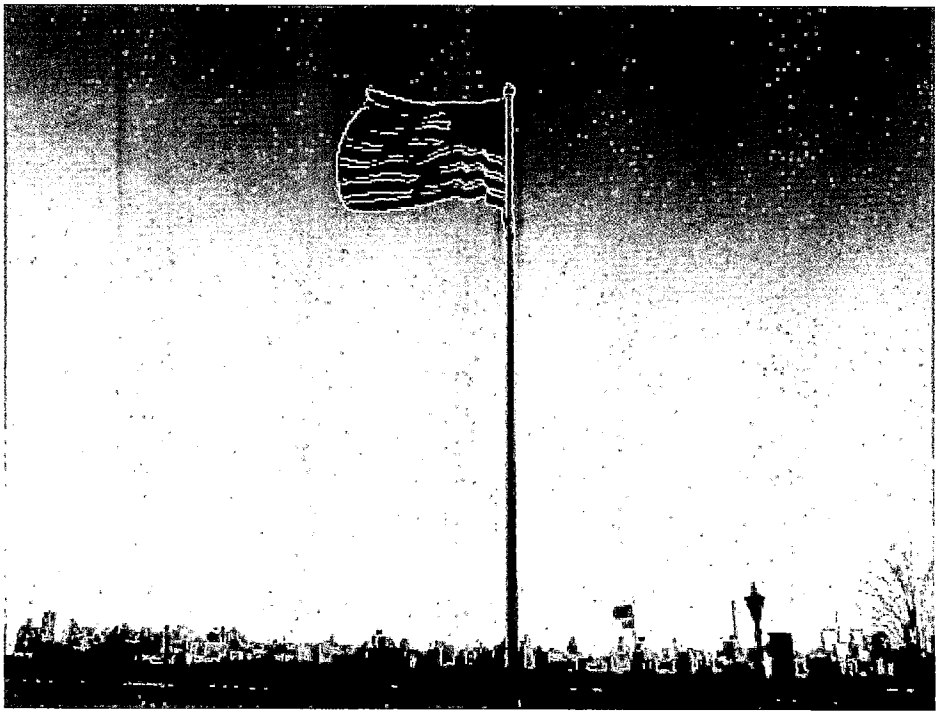
On May 11, 2020, minimally invasive spine pioneer, Richard Arjun Kaul, MD, filed a lawsuit in the United States District Court for the District of Columbia, in which racketeering and gross negligence claims are asserted against, amongst others, Defendants New Jersey Board of Medical Examiners and Allstate Insurance Company. The thrust of the case is that Defendant Allstate has, since at least 1999, engaged in massive schemes of bribery that have corrupted state medical boards. The Complaint alleges that this corruption is directly responsible, as of May 11, 2020, for over eighty thousand (80,000) deaths and one point three million (1,300,000) cases caused by COVID-19 infections.

Contemporaneously with the Complaint, Kaul submitted a letter to President Trump, in which he seeks to have the Criminal Division of the United States Department of Justice commence an investigation against state medical boards, regarding the commission of gross negligence and crimes against humanity.

On March 24, 2020, Kaul sent a letter to New Jersey Governor, Philip Murphy, that sought his assistance in having Kaul's New Jersey license reinstated. The illegal revocation on March 12, 2014 is the subject matter of a lawsuit Kaul filed on October 1, 2019. Kaul indicated to Murphy that a reinstatement would permit him to use his clinical expertise to save lives. Murphy failed to respond to the letter, but has continued to publicize his plan to stem the pandemic.

The plague of medical board corruption constitutes a central theme in Kaul's recently published audio book: "An Impossible Victory: Kaul v Christie", a book whose publication the Defendants attempted to suppress. A series of documentaries about the book are in production, the first of which will be released in June, 2020.

United States Securities And Exchange Commission Alerted To Securities Fraud Crimes Of Three Titans Of North American Finance



A massive five-year long scheme of securities fraud, knowingly committed by **The Kaul Cases** Defendants, Allstate/TD Bank/Berkshire Hathaway-Geico, has been brought to the attention of securities regulators/prosecutors in the United States, the United Kingdom, the European Union and India. The notification identifies a defrauding of the global equities market of information highly material to the investment strategies of private, public and sovereign funds.

Under American federal law, the crime of Securities Fraud is a Class C felony, punishable by up to **twenty (20) years in prison**, three years supervised release and $5 million in fines, with a disgorgement of profits and any property obtained from the proceeds of the offense.

Shareholder litigation often precedes criminal prosecution, and Section 10(b) of the Securities/Exchange Act that deems it unlawful to make any untrue statement of a material fact, or to omit to state a material fact necessary in order to make the statements made not misleading.

Exhibit 2

COVID-19 DEATHS + MEDICAL BOARD RACKETEERING + THE SUPREME COURT OF THE UNITED STATES

A lawsuit filed on June 18, 2020 by Richard Arjun Kaul, MD, has exposed how schemes of rampant corruption/bribery of American state medical boards by, amongst others, Allstate Insurance Company, are responsible for COVID-19 related mortalities. Kaul's legal/public relations campaign to alert the public to the 'cancer of corruption' within the American healthcare sector officially began on February 22, 2016, when he filed the first in a series of 9 lawsuits (**"The Kaul Cases"**) in United States federal courts. The overarching goal of his prosecution of the Defendants, of which Allstate, the New Jersey Medical Board and the Federation of State Medical Boards are but three, is to cause a **"Reformation of American Medical Boards"**. Had this change occurred earlier, the American public would not now be experiencing the highest COVID-19 related mortality rate in the western world.

On November 3, 2020, Kaul filed an emergency petition in the Supreme Court of the United States, in which he advances six arguments, two of which are:

"Kaul respectfully asserts that the grant of a writ will reduce COVID-19 related morbidity/mortality and will be in aid of the Court's appellate jurisdiction."

"Kaul respectfully asserts that a grant of the writ will mitigate future threats of COVID-19 like microbial pandemics ..."

"The Kaul Cases" and the associated liability to the Defendants of in excess of $9 billion, have negatively impacted the market capitalization of Defendants Allstate, TD Bank and Geico/Berkshire Hathaway, a fact that Kaul raises in the writ:

"Kaul respectfully asserts that the grant of a writ will mitigate any further decrease in market capitalization of Defendants Allstate + TD Bank + Berkshire Hathaway/Geico ... "

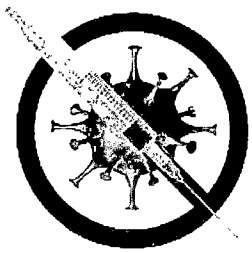
Racketeering and other criminal activity within American state medical boards were discussed on October 28, 2020 by Kaul and Oregon based physician, Dr. Eric Dover. The conversation highlighted the epidemic in American medicine of physician suicides/incarceration, and the role of the insurance industry and corporate greed in this human tragedy (time segment 20:30).

Kaul and Dover identified the solution, part of which calls for POLITICAL CAMPAIGN FINANCE REFORM. Multi-national corporations have corrupted government and control the political process. State

medical boards are governmental agencies. The longer a politician has been in politics the more beholden he is to these forces. Trump entered politics in 2016, Biden, a lawyer, entered in 1970; but whoever wins would be well advised to support a **"Reformation of American Medical Boards"**. In doing so he will save the lives of future Americans from another COVID-19 like pandemic. Political corruption kills.

Exhibit 3

COVID-19:
A MUTATION DEFEATS A VACCINE



On December 15, 2020 the New York Post published a story entitled:

"UK finds new mutation of COVID-19 behind rapid spread across London"

Scientists from the COVID-19 Genomics UK Consortium related the rapid rise in transmission to a mutation in the so called **"spike protein"**, that part of the virus that locks on to human cells. The mutated genetic code has effectively 'super-charged' the virus and increased its genetic 'stickiness', rendering it far more infective and pathologically aggressive. The COVID-19 virus is an 'intelligent' microbial form that has mutated in response to the recently released vaccine from Pfizer and Moderna.

On November 21, 2020, Kaul sent a letter to the General Medical Council of the UK, in which he states:

"Additionally, the RNA virus has a marked propensity for mutation, which effectively means that whatever vaccine is developed, it will be rapidly 'outmaneuvered' by a COVID-19 genetic 'two-step', always staying one step ahead, until global herd immunity achieves a critical mass and COVID-19 appears in the rearview mirror of humanity. Until then, whenever that may be, the catastrophe will continue unabated, by which point medical board corruption or indeed medical boards will have been eradicated."

On December 7, 2020, a release was issued from Kaul Healthcare Consultants entitled:

"PFIZER + COVID-19 VACCINE: "FROM THE FRYING PAN INTO THE FIRE" – A DEADLY PROPOSITION?"

It exposes the lack of evidence regarding the safety and efficacy of the vaccine, and references a case in the UK in which a vaccinated woman developed a severe neurological injury.

The vaccine has caused the mutation and will provide no protection to the mutant virus now coursing through the planet's circulatory system.

Of course those corporations/executives raking in billions of dollars from having corrupt governments/politicians mandating vaccination programs, have insulated themselves and their families from harm. Two of these corporations are Berkshire Hathaway/Geico and Allstate Insurance Company.

All vaccination programs should cease and until proper clinical trials are

vaccination programs should cease and all proper clinical trials are conducted every human on this planet should reject the vaccine, a poison that places profit over people.

It is not the **"FIRE"** but the **"INFERNO"** into which the so called **"vaccine"** has cast humanity. This tale of greed, corporate tyranny and mutation has all the makings of a revolution:

"Coercion camouflaged as care, cares not for humanity" – Anon. Circa. 1939: Germany.

Exhibit 4

The Slaving-Nazi-COVID-Insurance Axis

17. In K11-7, the Defendants' disproportionate reaction to the four (4) short paragraphs of this section, evidence their knowingness of the probity that the asserted facts would have in the proof before a jury of the Defendants centuries-long **"pattern of racketeering"**, that persists today in their co-conspiratorial involvement in the trafficking of successful Indian physicians into American jails, as pled in K11-5 (India). The Steven Donziger case is another egregious example of how American corporations have 'hijacked' through political/judicial corruption, the state's judicial apparatus, a system they have tyrannized, as did the Nazis, to jail/eliminate their political/economic opponents.

18. In K11-2 Kaul exposed the motivation and method for the adding and abetting of the perpetration of the slaving industry and Holocaust by the insurance industry, of which Defendants Allstate/Geico are members. In 2021, the insurance industry controls the pharmaceutical industry, and is the principal financial beneficiary of the billions of dollars generated from forced mass global vaccination programs, that violate fundamental human rights and the Nuremberg Code. The insurance industry holds substantial controlling shares in Pfizer (USA) and Astra Zeneca (UK) and are continuing the same **"pattern of racketeering"** that commenced in the 1600s with the Trans-Atlantic slaving trade, and which involved the commission of the RICO predicate act of murder, through the United States, a colony that the British Empire/Insurance Industry converted into a **"racketeering enterprise"** for the purpose of profit. There exists little or no difference between the misconduct of the insurance industry in 1940's Nazi Germany and America in 2022.

(The insurance industry was born in London in the 1600s on the back of the British trans-Atlantic slaving industry, through Lloyd's of London, an insurance conglomerate that today ultimately underwrites every insurance policy, and that has since its ignominious beginnings profited from human suffering, including that associated with the Nazi Holocaust. As a consequence of Kaul's persistence within **The Kaul Cases** of exposing the American insurance industry's connection to Lloyd's dark slaving profiteering, this British corporation did, for the

first time in its history, and unquestionably in a public relations 'damage-mitigation' effort, publicly admit to these crimes against humanity: https://www.lloyds.com/about-lloyds/history/the-trans-atlantic-slave-trade/lloyds-marine-insurance-and-slavery. The insurance industry, which includes the Defendants, has replaced shipping slaves with the human trafficking of Indian/African American physicians into the modern-day planation equivalent, that of the American jails.)

19. The forced/coerced mass vaccination programs/passports are the chains and whips of the COVID enslavement program, the strings of which are being pulled by the British controlled insurance industry. The COVID vaccine, as Kaul predicted, has now been found to be highly toxic/ineffective: https://www.drrichardkaul.com/so/24NPf5O65 This fact was known by the government/corporate entities that forced it on the world's population: https://theswisstimes.ch/swiss-banker-files-criminal-charges-over-false-covid-vaccine-statements/ In K11-7, the Defendants attempted to frame the Plaintiffs' assertion of these facts as evidence of the implausibility of their complaint, with terms such as **"vast conspiracy"** and **"nutcase"**. These facts are now proven, and this country, like Switzerland, should have the courage to bring criminal charges against those who perpetrated these crimes against humanity.

20. In K11-2, the Defendants and the Court devoted inordinate page space to Kaul's exposition of the insurance industry's four hundred (400) year-long genocide, and in doing so, did betray their conviction of the absolute truth of the matter.

21. In K11-7, Kaul identifies how, in 2021, the **"pattern"**, like the COVID-19 virus, has mutated into a purported mission to save humanity, the calling card of which is a supposed **"vaccine"**. The vaccine is more than useless, as it was the cause of the viral mutation, as Kaul in 2020, explained it would be.

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A review of adverse effects of COVID-19 vaccines

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SUMMARY

The COVID-19 pandemic has led to unanticipated pressures on all aspects of human life. Multiple approaches to eliciting protective immunity must be rapidly evaluated. Numerous efforts have been made to develop an effective vaccine for this novel coronavirus, resulting in a race for vaccine development. To combat COVID-19, all nations must focus their efforts on widespread vaccination with an effective and safe vaccine. Globally, concerns about potential long-term adverse effects of vaccines have led to some apprehension about vaccine use. A vaccine's adverse effect has an integral role in the public's confidence and vaccine uptake. This article reviews the current primary literature regarding adverse effects associated with different COVID-19 vaccines in use worldwide.

Keywords: adverse effects, adverse events, complications, COVID-19, vaccine

BACKGROUND

As of January 14, 2022, the World Health Organization (WHO) has confirmed about 318,648,834 cases of COVID-19 worldwide, including 5,518,343 fatalities [1]. The COVID-19 pandemic has resulted in a global economic disruption. To restore normalcy and enable economic growth, vaccines are the best option. The first COVID-19 vaccine introduced in December 2020 has become a milestone in the fight against this pandemic. On December 2, 2020, using an Emergency Use Authorization (EUA), the UK became the first country to approve Pfizer-BioNTech's COVID-19 vaccine, BNT162 [2]. As of December 31, 2020, the WHO approved BNT162 for emergency use, making its global production and supply more efficient [3]. Different vaccine candidates for COVID-19 have been approved using similar EUA processes, and the list continues to grow.

A historic vaccination campaign is taking place in the US currently. In 1 week, 1.12 million doses were administered daily, on average. More than 523 million doses have been given in the US to date (Figure 1) [4, 5]. As of January 14, 2022, 194 vaccines are in preclinical development, and 139 are in clinical trials [6].

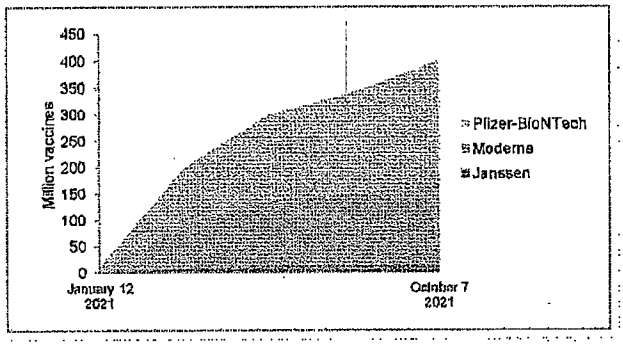

Figure 1

COVID-19 Vaccines Administered in the US by Manufacturer [5].

Vaccine uptake must be accelerated in the coming months to continue to decrease infection rates [7]. However, some people question whether the speed at which a vaccine is developed will compromise its efficiency and safety. This, in turn, may lead to vaccine hesitancy, which further inhibits attaining the goal of having 70% of the population fully vaccinated, after which herd immunity can effectively be achieved [8]. Therefore, it is crucial to establish the safety of the vaccines in these circumstances to perhaps promote wider vaccine acceptance among hesitant people. Adverse effects, however, are associated with every vaccination [9]. The purpose of this article is to review the current primary literature regarding adverse affects associated with the different COVID-19 vaccines. Our aim is to provide insights into the safety of the vaccines to help address misinformation and vaccine hesitancy. We discuss the adverse effects of the most common vaccines, which were chosen based on the number of countries they are approved in.

This article is intended to be a narrative review. Searches were conducted in PubMed and Google Scholar to identify related literature from 2020 to 2021. Keywords such as "adverse effects," "adverse events," "complications," "COVID-19," and "vaccine," were searched individually or in combination to yield relevant information. The results were reviewed for relevance to the topic, and the articles were screened by 2 authors. We had no language restrictions because of the relatively few articles on the topic. Duplicated studies and studies providing insufficient and irrelevant information were excluded.

MRNA VACCINES

Pfizer-BioNTech

Pfizer-BioNTech's BNT162 vaccine is a lipid nanoparticle-derived, nucleoside-modified mRNA vaccine that encodes the SARS-CoV-2 glycoprotein spike [10]. The UK was the first nation to approve BNT162 on December 2, 2020 [2]. A first EUA for BNT162 was issued by the US Food and Drug Administration (FDA) on December 11, 2020 [11]. BNT162 was later approved by Canada and Mexico via their respective EUAs. The WHO approved the first vaccine candidate, BNT162, on December 31, 2020, for emergency use, therefore facilitating easy production and distribution globally [3]. A total of 232.52 million doses of the Pfizer-BioNTech vaccine have been given in the US through October 7, 2021 [12].

Moderna

mRNA-1273 from Moderna is a lipid-encapsulated mRNA vaccine that encodes the SARS-CoV-2 prefusion-stabilized spike protein [13]. The FDA issued an EUA for mRNA-1273 on December 18, 2020 [11]. It was the second COVID-19 vaccine in the US to be authorized under an EUA [14]. As of October 7, 2021, 152.51 million doses of Moderna vaccine have been given in the US [12].

Considerations with mRNA vaccines

For the 2 mRNA vaccines, the second dose was associated with more adverse effects than the first dose [15]. A higher rate of systemic events was reported by younger vaccine recipients (aged 16–55 years) than those older than 55 years, which may be due to a more robust immunogenic response in younger persons [15].

Evaluation of the vaccines vs placebo (normal saline) showed a higher incidence of mild local adverse effects such as pain, heat, swelling, and redness [15]. The vaccines were also associated with other systemic adverse effects such as fever, fatigue, arthralgias, myalgias, and headache. These adverse effects usually developed within 1 to 2 days of vaccination [15].

In initial trials, the localized symptoms were mild to moderate in severity and lasted 1 to 2 days. Moderate to severe systemic symptoms, such as headache, myalgia, arthralgia, and fatigue, also lasted 1 to 2 days [15]. More local reactions were seen among the vaccine group than the placebo group. The most common localized symptom was pain at the injection site, which was seen within 1 week of vaccination [15]. Anaphylaxis and edema of the labial, facial, and glossal areas were among the adverse events noted [16].

ADENOVIRAL VACCINES

Oxford/AstraZeneca ChAdOx1 nCoV-19 Vaccine (AZD1222)

The SARS-CoV-2 structural surface spike protein gene is integrated into the ChAdOx1 nCoV-19 vaccine (AZD1222; trade name Vaxzevria) from Oxford/AstraZeneca, which is made from replication-deficient chimpanzee adenovirus ChAdOx1 [17]. Efficacy and safety results for AZD1222 have been documented in 4 randomized clinical trials in the UK, South Africa, and Brazil [17]. Overall, the vaccine was safe across all 4 studies, and serious adverse events were evenly distributed among all study groups. A total of 168 serious adverse events were reported among 79 recipients of AZD1222 and 89 recipients of saline control [17]. One case of transverse myelitis was reported 14 days after the second dose of AZD1222; this was viewed as possibly related to vaccination, and a diagnosis of an idiopathic, short-segment, spinal cord demyelination was made. In South Africa, 1 patient had a fever higher than 40°C 2 days after vaccination, but the patient recovered quickly [17]. In another study, laboratory tests in 11 patients in Austria and Germany indicated either thrombocytopenia or thrombosis after being vaccinated with AZD1222 [18]. The Supplemental Figure shows the number of individual events by reaction group identified in the European database of suspected adverse drug reaction reports (EudraVigilance) for AZD1222 (up to January 15, 2022) [19].

Johnson & Johnson (Janssen) Ad26.COV2.S

The Ad26.COV2.S vaccine from Johnson & Johnson (Janssen) was the third COVID-19 vaccine approved to be used in the US. Ad.26.COV2.S employs a human adenoviral type 26 vector platform [20]. The first 2 approved mRNA vaccines require 2 doses, whereas the Janssen vaccine is given as a single dose intramuscularly. Ad.26.COV2.S was granted an EUA by the FDA on Feb 27, 2021 [14]. Low- and middle-income countries prefer adenoviral vaccines because they do not require high-level cold-chain storage, and Ad26.COV2.S requires only 1 dose [20].

After 6 recipients were diagnosed with cerebral venous sinus thrombosis and thrombocytopenia, the FDA and the Centers for Disease Control and Prevention (CDC) recommended a pause in the administration of Janssen vaccines [21]. In Europe, reports of similar thrombotic events have been observed primarily among women younger than 60 years after receiving the AstraZeneca AZD1222 vaccine [20].

Sputnik V

Sputnik V (Gam-COVID-Vac) is a 2-part adenoviral vaccine against SARS-CoV-2. Specifically, it contains the DNA for the spike protein encoded by SARS-CoV-2 that the virus uses to infect human cells. An immune response is triggered to the spike protein [22]. This vaccine consists of 2 adenoviral vectors (rAd26 and rAd5) administered in separate doses, 21 days apart. [23] The use of recombinant adenovirus is similar to the Oxford AstraZeneca and the Janssen vaccines [17, 24].

The Gamaleya National Center of Epidemiology and Microbiology in Moscow was already devising prototypes of Sputnik V when the WHO declared COVID-19 a pandemic [25]. In September 2020, researchers published results from phases I and II of an open, nonrandomized trial of 76 participants [26]. All participants were reported to have developed antibodies against SARS-CoV-2. Pain at the injection site (44 [58%]), asthenia (21 [28%]), headache (32 [42%]), hyperthermia (38 [50%]), and muscle pain (18 [24%]) were among the most common adverse events. Serious adverse events were not observed [26]. The rapidity and lack of transparency in the development of the Sputnik V vaccine have been criticized, however [27].

The phase III interim report included results for more than 20,000 participants. The vaccine was not directly linked to any serious adverse events. However, 45 participants who were given the vaccine and 23 who were given the placebo experienced serious adverse effects that were not related to the vaccine [26].

SURVEILLANCE PROGRAMS

To confirm vaccine safety, an objective analysis of adverse effects and potential adverse reactions is required. To this effect, several surveillance programs are used. The Vaccine Adverse Event Reporting System (VAERS), created by the CDC and FDA, monitors adverse reactions after vaccination (Figure 2) [28, 29]. Reports can be submitted by vaccine manufacturers, health care providers, and the general public. VAERS requires reporting of various adverse events by health care providers, including deaths, as part of the European Union Agreements on COVID-19 vaccines [28].

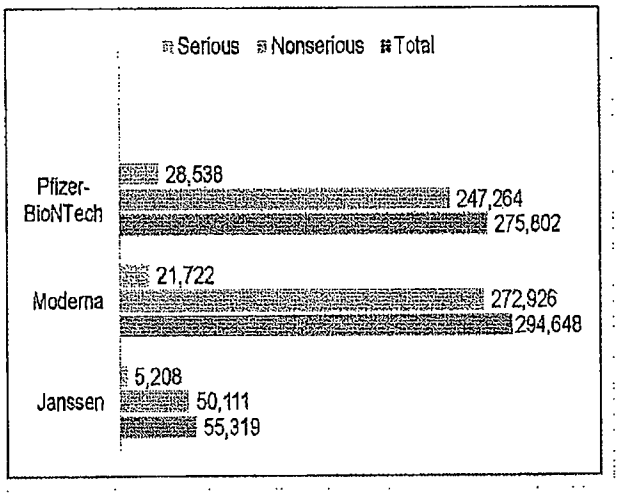

Figure 2

Vaccine Adverse Events According to the Vaccine Adverse Event Reporting System [29]. Events reported through October 7, 2021.

VAERS database entries do not indicate a causal relationship between vaccination and the cases. In addition, the VAERS database is based on passive surveillance and therefore could be biased or contain errors resulting from reporting bias. Because of the large number of vaccines administered and the prevalence of serious adverse events in the population, some cases of these conditions may occur by chance during the postvaccination period, unrelated to the vaccines themselves [30]. Constitutional symptoms reported to VAERS as of January 7, 2022, are shown in Table 1 [31, 32].

Table 1

Constitutional Symptoms Reported to the Vaccine Adverse Event. Reporting System as of January 2022.

Symptoms	*Vaccine Manufacturer*		
	Pfizer-BioNTech	*Moderna*	*Janssen*
Chills	52,401	51,189	12,590
Dizziness	57,390	32,472	9,186
Dyspnea	40,930	20,218	4,887
Fatigue	82,486	57,543	12,248
Headache	97,265	67,239	17,831
Injection site pain	13,090	25,668	4,029
Nausea	55,440	38,089	9,082
Pain in extremity	46,927	38,874	6,753
Pyrexia	73,542	63,024	15,097
Total	*519,471*	*394,316*	*91,703*

The v-safe program is a system of surveillance using text messages to collect information regarding vaccine adverse effects. In v-safe, vaccine recipients are consistently prompted to complete short medical surveys, including an inquiry about the injection site and systemic reactions and health effects. When enrollees seek medical care, the v-safe call center notifies them and encourages them to fill out a VAERS report [28].

SPECIFIC ADVERSE EVENTS

Thrombosis

Recently, several reports of thrombocytopenia with thrombosis, most notably cerebral venous sinus thrombosis or cerebral venous thrombosis (CVT) within 28 days of vaccination, have been associated with Ad26.COV2.S (Janssen) and AZD1222 (AstraZeneca) (Table 2), both of which use the adenovirus-vector platform [19, 33]. Reports of thrombosis could have implications for vaccine uptake all over the world. Consequently, many nations have altered their vaccination guidelines. AZD1222 was made available only to adults older than 40 years in the UK, older than 55 years in Canada, and older than 60 years in Germany [33–35]. As a result of 6 reports of CVT, the FDA and CDC recommended a pause in the administration of Ad26.COV2.S vaccine in the US on April 13, 2021 [21].

Table 2

Cases of Cerebral Venous Thrombosis and Cerebral Venous Sinus Thrombosis by Age and Sex[a].

Sex	*Age, y*			
	18–64	*65–85*	*>85*	*Not Specified*
Women	142,287	18,503	546	9,505
Men	43,474	7,995	302	3,082
Not specified	2,349	563	16	2,092

[a]Cerebral venous thrombosis and cerebral venous sinus thrombosis cases reported to EudraVigilance for COVID-19 vaccine AZD1222 (AstraZeneca) up to January 15, 2022.

New-onset severe headache is an important symptom of CVT and occurs in up to 67% of persons within the first few days after COVID-19 immunization [36]. It is critical for health care providers to diagnose CVT in vaccinated patients and to evaluate and treat patients with suspicion of immune-mediated thrombocytopenia with thrombosis resulting from vaccination. A CVT event occurs when the smaller draining cortical veins or the cerebral venous sinus system are completely or partially occluded [37]. It is more likely to occur in young adults and is 3 times as common among women than men [38].

Antibodies to platelet factor 4 (PF4) were detected in several patients who had CVT events after vaccination with Ad26.COV2.S and AZD1222 vaccines, which mimicked autoimmune heparin-induced thrombocytopenia [39]. Antibody complexes involving PF4 are formed which bind the Fc gamma receptor of platelets, form crosslinks, and activate the platelets [18]. Similar to heparin-induced thrombocytopenia, when platelets are consumed, thrombocytopenia is precipitated, and when monocytes and platelets are activated, thrombin production increases, which leads to thrombosis. In addition, an increase in D-dimer levels is seen, and eventually, it leads to disseminated intravascular coagulation [18]. The reason for adenoviral vector vaccines being associated with PF4 antibody production and thrombosis is unknown, but animal trials have shown that adenoviral vaccines can be biodistributed in the brain. Therefore, the presence of spike protein in the cerebral tissues can trigger an autoimmune reaction and eventual thrombosis [40].

The development of CVT is 41 times more likely in patients with COVID-19 than those without COVID-19, according to analyzed TriNetX data [41]. Thus, COVID-19 vaccination provides an overall benefit. In the US, on April 27, 2021, authorities decided to resume the use of the Ad26. COV2.S vaccine in all adults older than 18 years [42]. However, the CDC included a warning for women younger than 50 years on the risks of thrombosis associated with this vaccine [43].

Guillain-Barré syndrome

In developed countries, Guillain-Barré syndrome (GBS) is one of the leading causes of acute flaccid paralysis, characterized by autonomic dysfunction, sensory abnormalities, and varying degrees of weakness. Although the specific pathophysiology is not known, this disorder is believed to result from an autoimmune response [44].

mRNA from the approved mRNA vaccines gains access into the human cell and directs it to synthesize a copy of the spike protein found on the virus's surface and produce antibodies against it. These antibodies become primed to inactivate the virus before it can cause the disease. Sometimes, however, a patient's immune response can trigger the synthesis of antibodies against myelin, causing GBS [45].

A case of GBS was seen in the UK in a 62-yearold woman who had paraesthesias and weakness of the lower limbs 11 days after her initial dose of AZD1222 vaccine [46]. Another 82-year-old woman received her initial dose of the BNT162 vaccine 2 weeks before the diagnosis of GBS [45]. Approximately 17 cases of GBS develop per million people worldwide each year. With previous 1976 Swine flu and 2009 H1N1 vaccines, studies showed no increase in cases of GBS after vaccination [47]. To date, there is no substantial evidence that any of the COVID-19 vaccines cause GBS. Furthermore, no association was found between infection with COVID-19 and GBS. As a result, there is a low probability that GBS incidence will increase after COVID-19 vaccination [48]. COVID-19 poses a much greater risk of mortality and morbidity for adults than GBS does [49].

Acute transverse myelitis

Acute transverse myelitis is an uncommon neurologic condition affecting people aged 35 to 40 years at an incidence of 1.34 to 4.6 cases/million adults per year [50]. Of the reported adverse events after immunization recorded in the VAERS, 341 were neurologic events, 122 of which were cases of transverse myelitis [31]. Interleukin (IL)-17 and IL-6 appear to be involved in the pathogenesis of transverse myelitis. In myelitis, cerebrospinal fluid analysis findings show increased IL-6 levels [51]. By regulating cytokines, IL-17 stimulates astrocytes to produce IL-6, which forms nitric oxide metabolites and causes CNS damage [51].

Three cases of transverse myelitis were reported in the trial phase of the recombinant AZD1222 vaccine. Among these 3, 1 case had a background of multiple sclerosis; another was initially termed a potentially related case, but this was later ruled out by experts [17]. The presence of chimpanzee adenovirus antigen in AZD1222 may instigate immune responses targeting the spinal cord, which may in turn result in acute transverse myelitis [52]. COVID-19 - associated acute transverse myelitis should be investigated to identify the responsible antigen and explore immunopathogenesis.

Myocarditis and pericarditis

Myocarditis is an inflammation of the myocardial tissue without signs of ischemia and has various causes and diverse patterns [53]. In a study involving 7 patients with myocarditis between February 1 and April 30, 2021, 4 were diagnosed within 5 days after receiving COVID-19 vaccination. These 4 patients, who had received the second dose of an mRNA vaccine, reported chest pain and had increased biomarker levels suggestive of myocardial tissue injury. Cardiac magnetic resonance imaging results showed characteristics of myocarditis [54].

According to the CDC, more than 10,000 reports of myocarditis were reported to the VAERS after COVID-19 vaccination (Pfizer-BioNTech and Moderna) in the US (Table 3) [29]. These reports, however, are infrequent compared with the hundreds of millions of vaccine doses that were administered without adverse effects. The majority of the confirmed cases have been in teenagers and young adults 16 years or older and were often seen after receiving the second dose of the vaccine [55]. In a study of 200,287 persons, medical records from 40 hospitals in California, Montana, Los Angeles County, Oregon, and Washington were reviewed to identify cases of myocarditis and pericarditis after vaccination [56]. Myocarditis developed in 20 persons and pericarditis in 37. The incidence of myocarditis was highest among younger patients, generally after the second dose. However, older patients had development of pericarditis after the first or second dose [56]. In another study, vaccination for COVID-19 led to myocarditis in 23 male patients, 22 of whom were healthy members of the military [57]. In the majority of the patients, the diagnosis was made at least 4 days after the second dose of vaccination [57]. The clinical course and presentation suggest an association with vaccination-induced inflammation.

Table 3

Myopericarditis Events and Related Deaths Reported to the Vaccine Adverse Event Reporting System as of January 7, 2022.

Vaccine manufacturer	*Myopericarditis events*	*Deaths*
Pfizer-BioNTech	7,805	122
Moderna	2,720	36
Janssen	160	11
Unknown	20	3
Total	*10,705*	*172*

Cutaneous reactions

In a study from December 2020 to February 2021, 414 cutaneous symptoms were noted after administration of an mRNA vaccine [58]. Injection-site reactions, with delayed local reactions and urticarial and morbilliform eruptions, were the most commonly observed findings. Among recipients with first-dose reactions, 43% also had recurrences after their second dose [58]. Other reactions less commonly reported were pernio/chilblain, pityriasis rosea-like reactions, zoster, cosmetic filler reactions, and herpes simplex exacerbations. Some dermatologic symptoms, like pernio/chilblain, imitated COVID-19 symptoms. None of the patients reported serious adverse effects after receiving either of the doses [58]. As a result, researchers concluded that COVID-19 vaccination generally causes only mild and self-limiting reactions, and people should not be discouraged from the vaccination because of them [58].

Glomerular disease

Since mass-vaccination campaigns began in January 2021, the incidence of vaccine-associated glomerular disease has increased [59]. Symptoms of recurrent glomerular diseases or new glomerular diseases have appeared, especially after administration of the mRNA vaccines. The pathogenesis behind vaccine-associated glomerular disorders is not clearly understood. However, an immunogenic response to vaccines has been noted as a possible cause [60]. Minimal change disease, anti-glomerular basement membrane disease, membranous glomerular disease, and immunoglobulin A nephropathy are some of the glomerular lesions observed after vaccination [60]. Some case reports have described patients with gross hematuria after vaccination who were later found to have immunoglobulin A nephropathy. The majority of vaccine-related cases were typically seen within 1 to 3 weeks after vaccination [59]. Management of the glomerular disease must be on a case-by-case basis depending on the severity and remission status, because the benefits of vaccination outweigh the rare risk of glomerular disease.

CONCLUSIONS

COVID-19 is a global health concern that has spread worldwide [61] and has dramatically changed global sociopolitical, economic, and cultural aspects of humanity [62]. COVID-19 vaccines became more and more critical due to the limited prevention and treatment options available [63]. To end the pandemic crisis, the development of affordable, effective, safe, and transportable vaccines has become necessary. Some risks are associated with COVID-19 vaccinations, but no vaccination is entirely safe. Generally, short-term adverse effects of the COVID-19 vaccines present with mild symptoms. The most common symptoms are localized pain and swelling at the injection site, fever, headache, myalgia, and chills. Cases of thrombosis, notably CVT, are mostly seen with the adenoviral vector vaccines. Adverse effects such as myocarditis, glomerular diseases, and cutaneous eruptions are seen with the mRNA vaccines. The majority of vaccination reactions peak within the first 6 weeks after receiving the vaccine, but tracking over a longer time frame may provide insight into any future adverse reactions and rule out reactions that are falsely attributed to vaccinations. It is essential to identify the underlying immunologic and nonimmunologic mechanisms of adverse events so that appropriate policies are adopted, keeping safety in mind.

Supplementary Data

Supplemental Figure

Click here to view.[2.4M, tif]

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Footnotes

Conflict of interest

None to declare.

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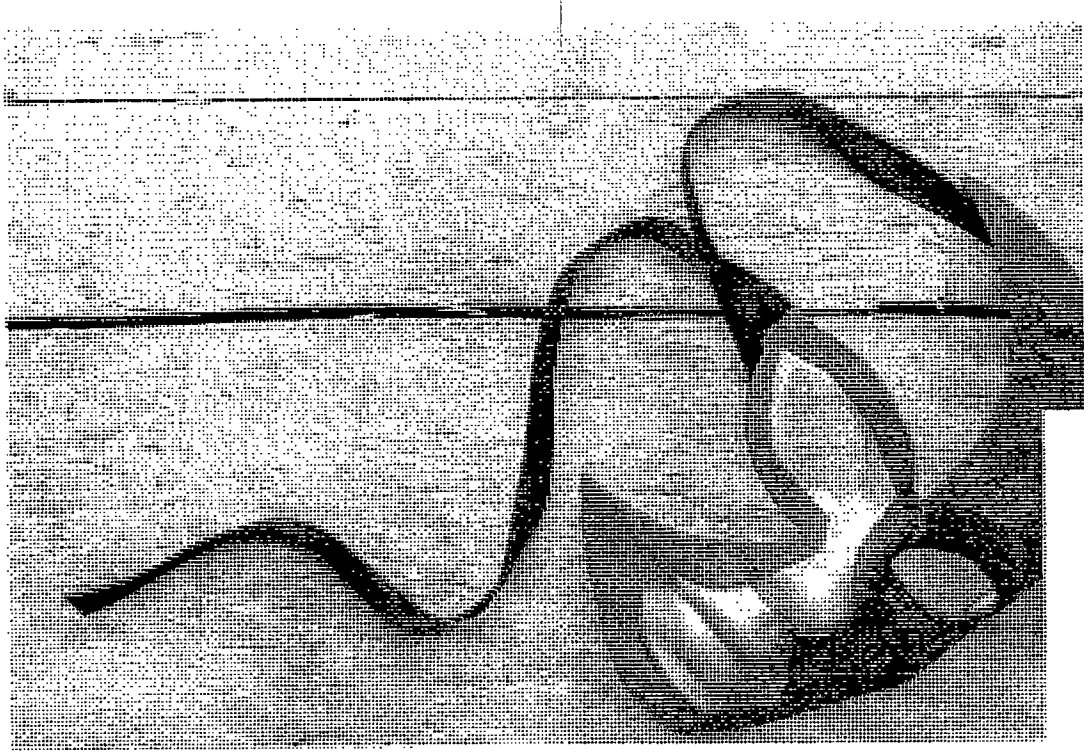
REFERENCES



Unmasking the Mystery of the Federation of State Medical Boards : Dr Emanuel Garcia in Discussion With Maajid Nawaz

Censorship & Politics, What is Going On?

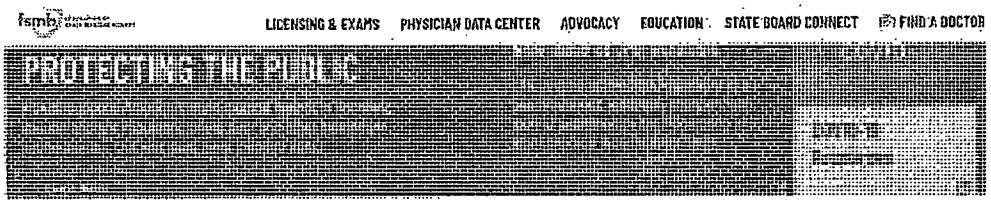
Who Are the Federation of State Medical Boards?

Most doctors have never heard of the Federation of State Medical Boards (FSMB) despite the fact that they impose the rules and regulations that doctors are increasingly required to abide by. Dr Bruce Dooley brought them to international attention in his September 2022 interview with Liz Gunn at FreeNZ Media. However our own NZDSOS founding member Dr Emanuel Garcia first wrote about them at Global Research in August 2022 and he has remained forefront in the exposé.

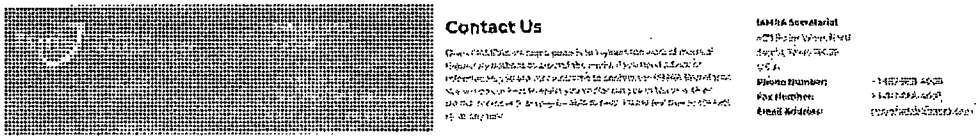
Hot on the tails of Dr Matt Shelton's recent interview with Maajid Nawaz, Dr Garcia has now spoken on the podcast Radical. Their conversation focuses on the Federation of State Medical Boards and its influence on medical and health professional licensing authorities across the globe.

The Federation of State Medical Boards is a private entity connected to a charitable foundation whose donors are shrouded in secrecy but very likely to be primarily from the pharmaceutical industry. Founded in 1912, a year before the US Federal Reserve Bank, whose name also dishonestly implies governmental authority, the only connection between government and the Federation of State Medical Boards is the lobbying they undertake for political influence.

They are otherwise a corporate-funded organisation claiming a mission to safeguard patients by "*licensing, disciplining and regulating physicians and other healthcare professionals*". As has been revealed during the Covid-19 crisis, they do this by engaging in Mafia style strategies to silence opposition, serving to increase and fortify their own profits and control. They were instrumental in suppressing the integrative medicine movement in the 1990s and also appear to be implicated in America's opioid crisis.

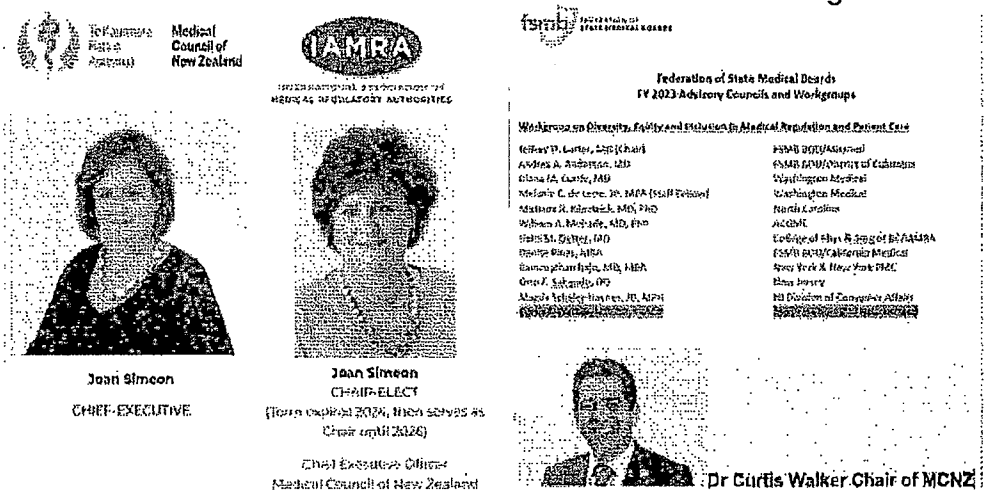


In conversation with Maajid Nawaz, Dr Garcia discusses how he came to learn about the Federation of State Medical Boards and how their influence impacted his own professional career as a psychiatrist working in New Zealand. Founded in 1994, the International Association of Medical Regulatory Authorities (IAMRA) is an expansion of the Federation of State Medical Boards, also claiming a goal of public protection by ensuring doctors are "*safe and competent*".



As a partnership both entities now influence medical and health professional regulatory authorities across disciplines, states and nations, including the Medical Council of New Zealand (MCNZ). Two New Zealand examples of the obvious conflicts of interest involved are:

- Joan Simeon is both CEO of MCNZ and Chair-Elect of IAMRA;
- Curtis Walker is Chair of MCNZ and member of the Federation of State Medical Board's Task Force on Health Equity and Medical Regulation.



What Impact Is The Federation of State Medical Boards Having on Medicine, Doctors and Public Health?

Doctors and health professionals daring to speak against the industry-led narrative in favour of medical and public health evidence have fallen foul of an aggressive smear campaign and been investigated and de-licensed by compromised regulators, ensuring suppression of dissent. Individual members at NZDSOS have faced this wrath, as have high profile international experts. The erroneous belief amongst many health professionals is that their compliance with these directives serves the public, when it is apparent that they serve private interests connected to the Federation of State Medical Boards which threatens public safety.

Dr Garcia also speaks about the public health measures enforced, the lack of science behind them and the untold harm they have – and continue – to cause, in New Zealand. This includes his experiences and observations at the February 2022 Freedom Camp in Wellington. New Zealanders have a general trust in our authorities, which has resulted in a widespread belief that we should follow government guidance, even when that guidance has been absurd. This is facilitated by what Dr Garcia calls a "*drumbeat of fear*", via the propaganda of mainstream state funded media.

Following on from Dr Garcia's interview, the same podcast episode then features Dr Bob Gill, an English General Practitioner and director of the documentary The Great NHS Heist. He provides a British perspective on the privatisation, monetisation and corruption of health systems. This is a fascinating story which fits into the jigsaw that the Federation of State Medical Boards have a significant part in. Dr Gill describes doctors being unwittingly pulled into their own self-destruction, and the roles played in the demolition of health systems by the pharmaceutical industry, health

insurance industry and public-private partnerships being encouraged by nefarious entities such as World Economic Forum.

A Call For Support From Our Colleagues: It Is Not Too Late

Dr Garcia argues that if 5% of doctors with critical faculties – acting like real doctors – had spoken up against the narrative, then the damage and destruction New Zealanders have experienced would have been prevented. The mafia tactics of the Federation of State Medical Boards, filtered down to individual health professionals, has been highly effective in suffocating dissent, stigmatising critical thinking and helping to establish a Stasi-style culture.

New Zealand's emergency covid legislation remains in place, and Dr Garcia suggests it can be used against the populace again at anytime. Doctors are in a prime position to oppose this harmful legislation ever being imposed upon New Zealand again.

Listen to Dr Garcia's story, acquire an understanding of events playing out and determine the role you wish to play at this critical time. Lend your expertise to NZDSOS, to protect medical freedoms and democracy against psychopathic entities such as the Federation of State Medical Boards.

Watch: Dr Garcia and Dr Gill Revealing the Harms of Public-Private Partnerships Corrupting Health Care Systems Globally

We highly recommend an hour with Dr Emanuel Garcia of NZDSOS followed by half an hour with Dr Bob Gill, for anyone trying to make sense of what is going wrong in health systems across the western world.

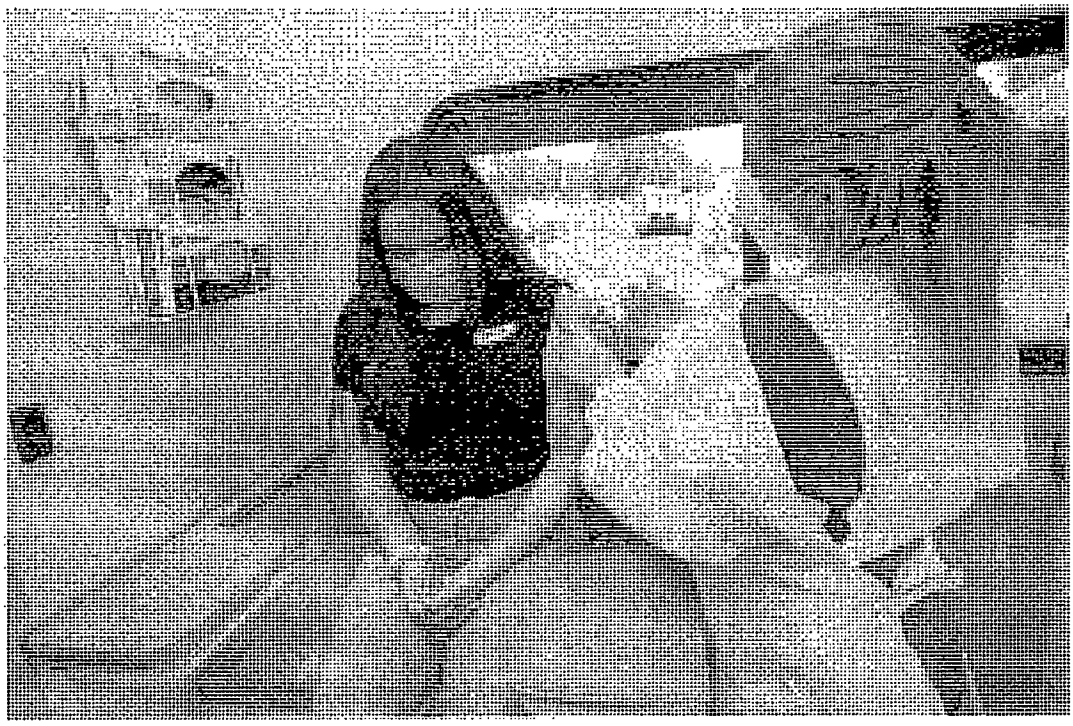
Radical: Episode 32 – On Destroying Our Health System and Big Pharma Capture.

POLITICO

HEALTH CARE

Medical boards get pushback as they try to punish doctors for Covid misinformation

Medical boards have sanctioned eight physicians since January 2021 for spreading coronavirus-related misinformation, according to the Federation of State Medical Boards.



A medical professional gives a patient a Covid vaccine. | Joe Raedle/Getty Images

By DARIUS TAHIR
02/01/2022 04:30 AM EST

Medical boards and other regulators across the country are scrambling to penalize doctors who spread misinformation about vaccines or promote unproven cures for Covid-19. But they are unsure whether they'll prevail over actions by state lawmakers who believe the boards are overreaching.

In Maui, the state medical board filed complaints against the state's chief health officer and another physician after they supported Covid-19 treatments federal health officials warned against. In Florida, the nominee for state

surgeon general refused to directly answer on the effectiveness and safety of the coronavirus vaccine — and that's after a local doctor filed a complaint to the state's medical boards. In Idaho, local GOP officials appointed a pathologist who promoted unproven virus treatments to a local public health board, despite complaints from his peers to state regulators.

In all, medical boards have sanctioned eight physicians since January 2021 for spreading coronavirus-related misinformation, according to the Federation of State Medical Boards, which has recommended that health officials consider action against medical professionals who dispense false medical claims in public forums. The eight penalized doctors, who've been hit with discipline from suspension to revocation of licenses, represent a surprising figure, considering the time it takes for state boards to mete out punishment. The targets of investigations have cited their own scientific expertise in recommending alternative courses of treatment.

TECHNOLOGY

Biden's vaccine misinformation road not taken

BY ALEXANDRA S. LEVINE

"When that white coat is weaponized to spread misinformation, it does public harm," Brian Castrucci, the CEO of the public health non-profit the de Beaumont Foundation in Bethesda, Md., who supports the action taken by health regulators.

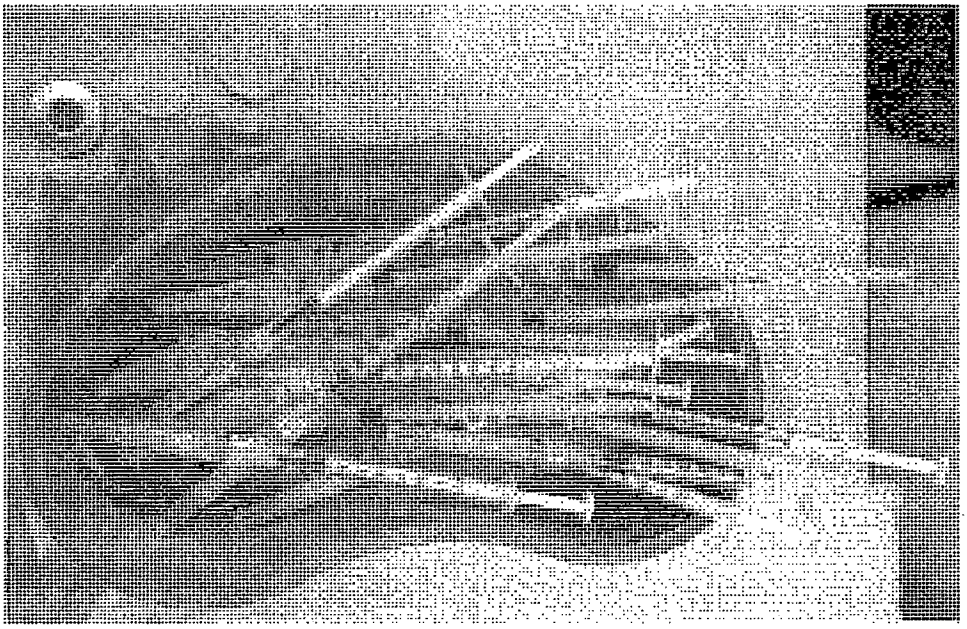
The federation expects its members will conduct more investigations that would lead to disciplinary actions. But in some cases the responses from some medical boards and state officials have been stymied by political backlash. States like Tennessee and North Dakota, for example, have restricted state medical boards' powers. And now legislators in 10 other states — including Florida and South Carolina — have introduced similar measures.

Some state boards also lack the legal tools to discipline doctors for sharing unreliable information via social media. They believe the precedents in their

states for unprofessional or unethical behavior more narrowly apply to actions or speech made directly to patients under their care.

"We need the medical boards to stand up and evolve," said Castrucci, who cited the need to preserve the public's trust in medicine. "With the click of a mouse button, two million people can get information that's incorrect."

Pressing public health problem



Medical personnel reach for pre-loaded syrenges as they vaccinate students at KIPP Believe Charter School in New Orleans, Tuesday, Jan. 25, 2022. | Ted Jackson/AP Photo

Misinformation hasn't just distorted the public debate over vaccines, Castrucci and his peers warn. It also has helped create a market for unproven drugs and treatment against Covid-19, sometimes with harmful side effects. Poison centers have recorded increased numbers of callsrelated to ivermectin and oleandrin, with some patients requiring hospitalizations. And a recent study in The New England Journal of Medicine projected nearly $2.5 million in wasteful insurance spending on ivermectin in a single week.

Both substances have been the beneficiaries of considerable hype from commentators online and elsewhere outside the mainstream of the medical profession — even after negative clinical evidence came in — for their alleged anti-coronavirus properties.

Facing a flood of misinformation, plus the anti-establishment mood in many red states, the regulatory structure upholding professional standards is "unraveling," said Richard Baron, the leader of the American Board of Internal Medicine, one of the private-sector bodies that certifies doctors. "We're trying to figure out what the most effective way to act," Baron said, conceding that he was uncertain about the most effective way to confront the problem. "There are

Legal structures developed for the 20th century are, in many states, not suited to discipline doctors who broadcast misinformation on social media because the physicians are not directly treating patients, Federation of State Medical Boards CEO Humayun Chaudhry said. So, some boards — and other regulators that license providers and the non-profits that certify physicians for their expertise — feel uncertain about disciplining such doctors, even though they might be contributing to lagging vaccination rates.

"Doctors who are out in the public domain, making broad statements about discredited treatments, our processes weren't designed for that," acknowledged Kristina Lawson, the head of the Medical Board of California. "We're actively thinking about that."

When Lawson's board started to crack down last year on doctors spreading misinformation about the coronavirus vaccines, she began getting threats. Anti-vaccination protesters accosted her at a parking lot and flew a drone over her house, she has said.

"I've had to have private security," she told POLITICO. "I've had to have regular conversations with the California Highway Patrol," an agency that protects high-level politicians in the state.

Now and then

Medical personnel from Riley County Health Department conduct a drive-thru vaccination using the new Moderna vaccine in Manhattan, Kansas.

Despite those constraiuts, continue to crack down on some of their own.

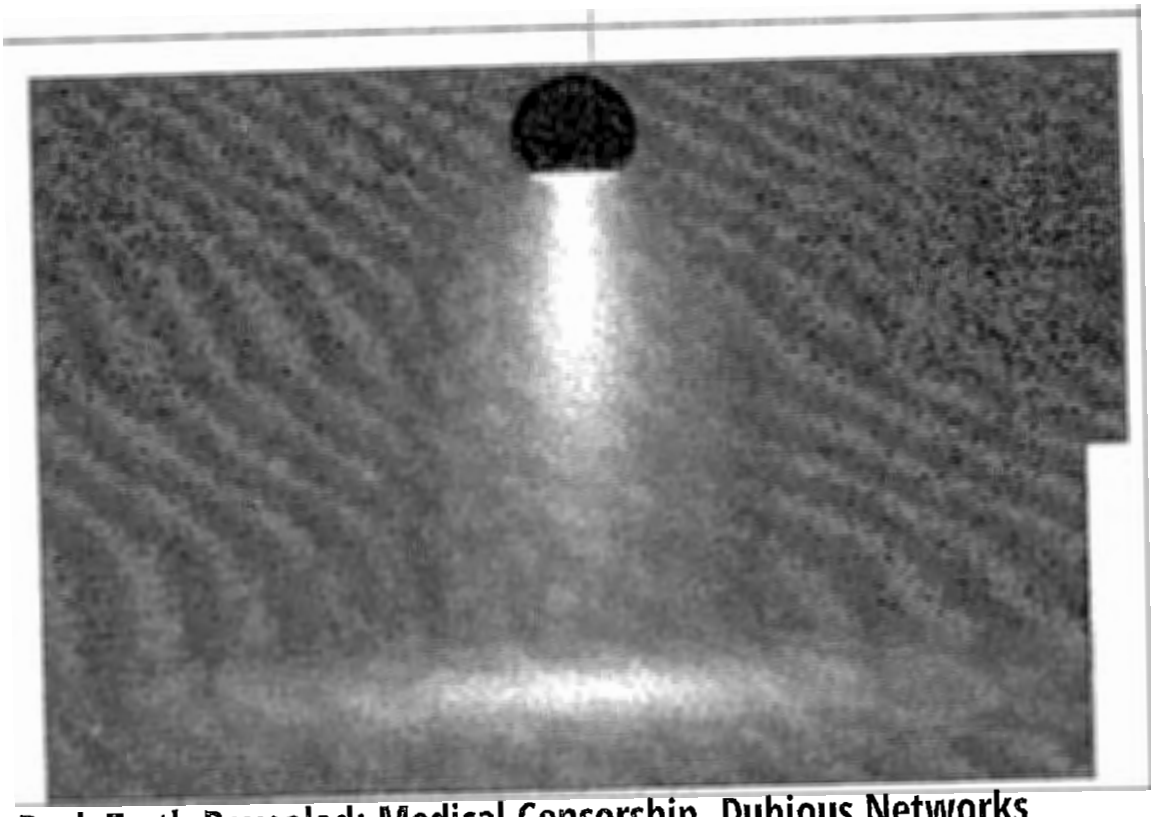
The federation said that two-thirds of their members had seen an increased number of complaints related to disinformation in a December 2021 survey. "There might be right now, dozens or hundreds of investigations going on [into misinformation]," Chaudhry said.

But it's unclear whether the activity will make a difference. Many inside the profession are pessimistic.

Some of the medical professions' trade groups have been called to act. In November, the American Medical Association's House of Delegates asked the organization to develop a strategy to address misinformation. The association's president, Gerald Harmon, told POLITICO around that time he had "the goal ahead of me," but the "devil is in the details." The association has no new updates.

Anti-vaccine sentiment and vaccine skepticism has drawn backlash. When Houston Methodist Hospital suspended a doctor's privileges November after she allegedly spread misinformation over social media about vaccine policies, the doctor hit right back. She broadcast on Facebook that she was suing hospital for financial information, alleging the hospital had profited from its administration of the vaccines. She also touted her cocktail of a high-dosage steroids, ivermectin, vitamin C, among other medications. (Some steroids have had success in treating Covid.)

The targets of misinformation investigations typically claim they're better scientists than the scientists bringing the disciplinary actions. "It's not



Dark Truth Revealed: Medical Censorship, Dubious Networks and the Medical Council of New Zealand

Censorship & Politics

> *I have never met a doctor, when I bring up the Federation of State Medical Boards, who knows what I'm talking about ... The medical councils of the world have been captured by the Federation. We should not be allowing a private corporation to be influencing medical councils like this. If we stand by and we let the Medical Council of New Zealand incorporate this into their policies and procedures, that will be the final gag on anything that a doctor says counter to the mainstream narrative.* ~ Dr Bruce Dooley

Dr Dooley is an American trained private medical doctor who has been practicing in New Zealand for some years. After receiving a Master's degree in immunology and virology he attended medical school, where he learned

very early on, of the grooming that the pharmaceutical industry engage in with doctors and medical students. He gave an explosive interview with Liz Gunn at FreeNZ Media on 24 September 2022.

A Tale in History: Corruption of the Medical Council of New Zealand?

In the early 1900s most treatment processes were "natural medicine", involving interventions aimed at maintaining a healthy terrain. Described well by Robert F Kennedy Jr in The Real Anthony Fauci, America had around 2,000 medical schools at that time, teaching a range of interventions. Oil magnate John D Rockefeller eliminated the majority of them, reducing the number to around 150, all of whom focused on allopathic medicine, which follows the pharmaceutical model using petroleum based medicine. This became known as "mainstream" whilst all other interventions were marginalised as "quack medicine".

The Federation of State Medical Boards (FSMB) is a private organisation founded in 1913, now based near Dallas in Texas and with a branch in Washington, DC. It is not known if Rockefeller was involved in its formation but the timing makes it seem plausible. An international arm based at the same Texas address, the International Association of Medical Regulatory Authorities (IAMRA), was established in 1994, of which the Medical Council of NZ is a member organisation.

These organisations operate with a cloak of secrecy such that most doctors are unaware of their existence despite the inordinate power that they wield over medical practitioner regulatory authorities. Our concerns about this privatised, Machiavellian global monopolisation encroaching on the regulation of New Zealand medical practitioners were recently raised by Dr Emanuel Garcia. Dr Dooley outlines the ways in which the intrusion plays out. He refers to the aim of medical councils being to "reduce harm to patients". The primary purpose of the MCNZ is to 'protect patients and the public'.

As our own Dr Matt Shelton learned, having a medical opinion which he is adequately qualified to have, but which is not consistent with the pharmaceutical industry business model, is now enough to be considered as causing "potential harm". Dr Dooley uses Dr Shelton as an example in his description of this public health crisis. He asks why the Medical Council of New Zealand's letter of suspension to Dr Shelton was copied to the FSMB?

Dr Dooley learned about the FSMB whilst living in Florida, USA in the mid-1990s. He was practicing EDTA chelation therapy, an extremely safe and effective intervention for patients with heart disease and other chronic conditions. A politically connected cardiologist appointed to the local medical council tried to have chelation therapy made illegal, as successful patient outcomes were reducing his patient load.

Dr Dooley found himself before a disciplinary board on the matter, where he overheard mention of the FSMB. Curious to know who they were, he found out and attended the annual FSMB meeting in order to understand who they were, what they were doing and how. He describes FSMB as a private organisation of unknown funding offering luxurious "wine and dine" experiences including an awards ceremony, a library with free books and other gifts, to members of the medical councils.

Ways to suspend the licenses of so-called "quack" or "fringe" doctors were openly discussed at the event. At the time doctors and patients were pushing for medical freedom, and a movement was growing. FSMB encouraged medical council delegates to lobby lawmakers to restrict this movement, using the argument of needing medical council control for protection of public health. Medical council delegates (government employees) voted on policy written by the FSMB (a private organisation), which they had not seen until it was presented to them at the voting event during the annual conference.

The end result was the creation of new laws further crushing the rights of doctors to practice autonomously. It appears this has been happening for decades, and has since spread across the world via IAMRA.

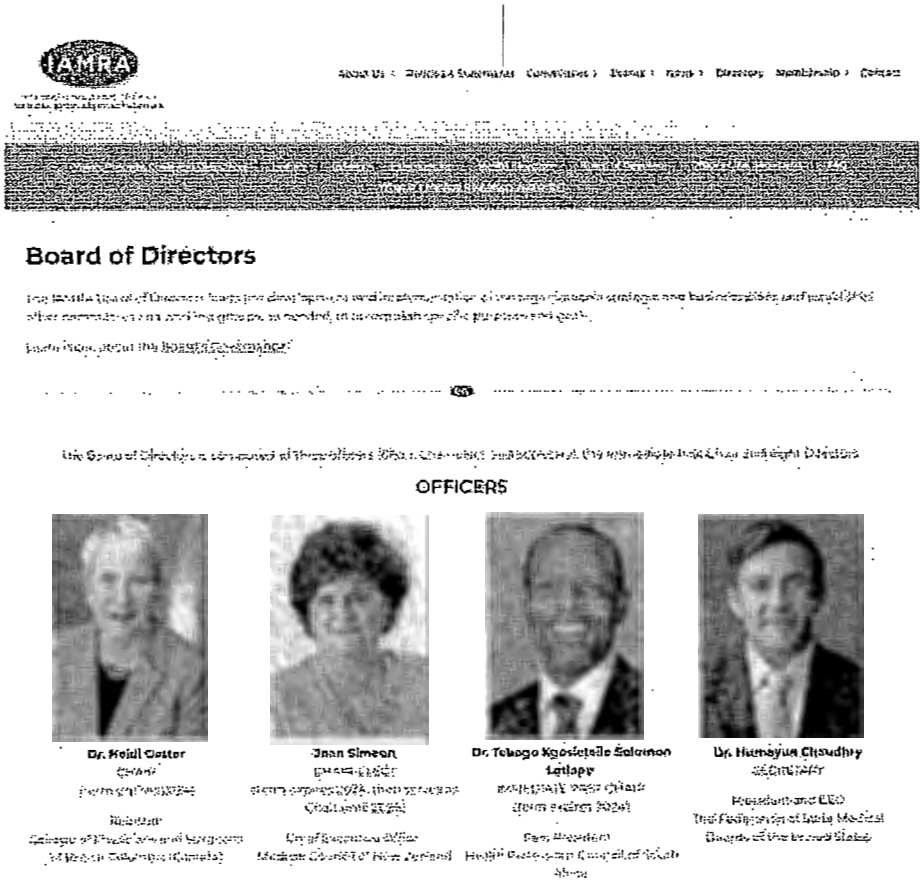
Dr Dooley then testified at the White House Commission on Complementary and Alternative Medicine Policy, under President Clinton. This two year project produced great outcomes around how complementary medicines could impact population health but no action was taken. In his testimony he told the commission what he knew of the FSMB and declared that private organisations should not have the right to influence medical councils in this way.

In 2021 the FSMB made this public statement, which Dr Dooley describes as a "battle cry to the medical councils". Interestingly it coincides with a meteoric rise in "dissident" doctors being disciplined and de-licensed by medical councils across the globe.

A few months after this notice was published, the FSMB conducted a survey of the medical councils and found a 56% increase in complaints about misinformation and disinformation from physicians. They concluded that they would therefore formulate policy relating to physician mis- and disinformation, to be voted on at the next annual conference. The vote took place in April 2022, and policy has been voted in confirming the right to de-licence medical doctors spreading mis- and disinformation. This action is an incredible display of Hegelian Dialectic.

With no medical qualifications, Joan Simeon is currently the CEO of the Medical Council of New Zealand, where she has worked for 19 years following ten years as a practice manager at a medical imaging company. Demonstrating the intensely globalist networks between FSMB, IAMRA and their member organisations, Ms Simeon is the incoming Chair Elect of IAMRA. Dr Dooley reveals that IAMRA secretary and FSMB President/CEO, Dr Chaudhry, earns a salary of US$700,000. No doubt Ms Simeon anticipates her own bonanza. Where does all this money come from? Both IAMRA and

FSMB are run as registered charities, meaning their donors can remain opaque.



Dr Dooley describes the heartache he feels, watching the profession he loves so much, crumble. Public trust in the medical profession has been devastated. Nurses have confided in Dr Dooley, that to vent their horrors at what they are seeing today, they leave their phones behind and congregate in the hospital car park to speak in confidence as they know their careers could be jeopardised if they are heard "wrong speaking".

Ms Simeon has already written to every licensed New Zealand doctor, saying that (her untrained definition of) misinformation and disinformation is being spread by "a few doctors". On this, we agree with Ontario Supreme Court Judge Pazaratz, who asked if "'misinformation' is even a real word ... Or has it become a crass, self-serving tool to pre-empt scrutiny and discredit your opponent?".

The Medical Council of New Zealand have requested the input of doctors on a policy resembling, if not identical to, that passed in April by the FSMB, prior to voting on it. Dr Dooley warns: this will be the final gag on the right of doctors to speak on matters relevant to their clinical expertise, that are not in keeping with the mainstream narrative. NZDSOS disagrees slightly with him here; MCNZ came charging out of the gates at the start of the rollout,

having sat back quietly while early covid treatments were fraudulently suppressed, enforcing the One Source of Truth's narrative using a very large stick approach. It has ensured most of the profession has already given up its autonomy and independent thinking out of fear.

We know of dead and injured doctor casualties from the jab's enforcement, and we will not rest until all the enablers are held to account. Based on the increasing body of evidence showing lies and deception, it really should not be long now.

Dr Dooley concludes correctly that we need to disentangle our health care regulatory bodies totally from these powerful and malign influences. The Medical Council of New Zealand must disengage from the international bodies and the government must allow open debate on issues of public health.

Watch: Dr Dooley Outlines Concerns Regarding Dubious Networks At The Medical Council of New Zealand

Dr Dooley's story belongs to every New Zealander, and particularly every New Zealand doctor and licensed health care practitioner. Big Money must not be allowed to beat integrity and experience.

Liz Gunn has put a call out to Joan Simeon, for an interview to discuss the issues raised by Dr Dooley.

Please share this story far and wide.

View at FreeNZ; Rumble; Odysee; Bitchute; Brighteon; or below.

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10 Comments

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COVID-19 and Medical Board Tyranny

Steven LaTulippe, M.D.

The COVID-19 pandemic may someday be the subject of countless volumes of literature describing it as a sinister man-made global plague. In today's America, it has introduced a dark age of medical science. Nowhere has this fact been demonstrated more clearly than by the actions of state medical licensing boards, most of whom take their cues from the Federation of State Medical Boards (FSMB). Their drive to control medical practice has been gaining momentum for decades, but their current stance and methodology is an all-out assault on the once noble and legitimate medical profession.

Having received the infamous honor of being the first medical doctor in the U.S. to have my medical license first suspended, then fully revoked, because of COVID malevolence, I've learned many lessons about exactly how state medical boards have honed the process of destroying good physicians.

Now, to be sure, there are no perfect physicians, just as there are no perfect people. But a serious problem must exist when the Oregon Medical Board (OMB) is able to take down a physician who has done no harm and who actually had no patient complaints concerning the board's allegations against him.

In this story of my experience, I am just an example. It exposes the corruption and dirty secrets of an agency that is out of control, without accountability, and devoid of any regard for the best science and sound medical practice. State medical licensing boards have evolved into monsters that devour any medical practitioners in their path who do not comply with the government narrative. When government goes rogue, the medical system becomes an unholy alliance that ultimately wreaks havoc on patients. When the physician-patient kinship is compromised, the healing arts suffer greatly. Any collaboration between government and medicine spells disaster.

When Nothing Makes Sense, Think in Terms of Evil

In late October 2019, I treated my first patient who presented with a full-blown influenza-like illness that typified what in several months would be attributed to SARS-CoV-2. I wasn't particularly disturbed by the illness, having seen similarly severe cases over the past decade.

When the COVID-19 pandemic was declared on Mar 11, 2020, I had treated only about 75 patients with the syndrome. They varied in age, but all severe cases were adults, many with comorbidities. They all recovered in about a week's time and all resumed their normal lifestyles. My treatment for severe viral illnesses had worked successfully for decades. It included a pulse dosing of high-dose prednisone, a high-dose topical steroid inhaler, azithromycin or doxycycline, a beta-agonist inhaler, and a generic oral hydrating solution. Simple as that.

What caught my attention about this virus was not so much the virus itself, but the seemingly nonsensical approach to this mysterious pandemic. All the best studies regarding masking concluded that masking was worthless, yet overnight Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases and the President's chief medical adviser, suddenly claimed that masking could help, and maybe two masks were better than one. Really?

That message opposed the then-current standard of care. Then, doctors were advised to close their clinics for two weeks. But isn't it the duty of physicians to treat the sick? Why close a clinic when clinicians are most needed? To the best of my knowledge, I was the only doctor in Polk County to keep my clinic doors open throughout the pandemic, staying faithful to my duty to put the patient first—always.

In the early days of the pandemic, my patients who became ill over the weekend were calling for treatment appointments on Monday. They all told stories of being turned away at emergency departments and urgent care clinics. They received no treatment and were advised to quarantine at home for two weeks, and if their lips turned blue to go to the hospital. I had never heard of such advice before. This was not medicine. As people were being told to cover their faces, social distance, close their businesses, and then to take an untested new type of mRNA "vaccine," I began to feel that I was living in Alice's Wonderland where nothing made sense.

My office staff and I had never masked, and all the patients I treated recovered swiftly. My standard cold and flu season protocol worked very well. We had no problems with disease spread, and no cases were traced to my office. Neither my staff nor I ever got sick. And I had even treated a couple patients who were in overt heart failure and had been refused treatment in the emergency department or by their specialists.

Absolutely nothing made sense, until I started putting the pieces of the puzzle together. People were living in fear and confusion. I soon concluded that this was intentional. As the accumulating evidence revealed that the SARS-CoV-2 virus was patented, as was also the reported "cure-all" vaccine, I suspected foul play. Whatever this pandemic was, it appeared to be planned, and it was evil. That would explain an otherwise inexplicable pattern.

The Cost of Truth-Telling

In December 2019, I opened my first-ever social media account on Twitter, at the behest of my publisher, who suggested it to promote a book that I had just launched: *Unity Without Compromise: a Biblical Basis for Christian Union*. The comments popping up on Twitter at that time were disturbing. People seemed so confused and distressed about this virus. Maybe it was my Ph.D. training in microbiology that induced my reaction, but I couldn't resist responding with comments of common sense and what our best scientific studies had taught us. In no time, more than 30,000 Twitter followers revealed how desperate they were to hear the truth. But "Twitter Jack" Dorsey, Twitter's co-founder and now former CEO, didn't like what I had to say, and I was often censored. By then I knew why.

Unfortunately, I never did get to market my book. The COVID-19 panic consumed my time.

On Aug 13, 2020, I received a notice from the Oregon Medical Board (OMB) that it had "received a complaint regarding unprofessional conduct and has opened an investigation."

It alleged three things: 1) Licensee is not following social-distancing guidelines in his practice and care of patients; 2) licensee is advising patients and the public that masks required under the current guidelines do not work and should not be worn; and 3) licensee has been posting to social media statements discouraging citizens from adhering to distancing guidelines specific to COVID-19.

I responded to the allegations, stating that I had no immediate recall of specifically addressing social-distancing guidelines, but I affirmed my position that masks are not an effective viral barrier, and I gave my patients informed consent regarding scientific mask data and allowed them to choose for themselves to mask or not in my clinic. My patients were most grateful for the honest information. I heard nothing further from OMB after submitting my response.

Almost 4 months later, I attended a political rally at the capitol in Salem. By that time, I had concluded that some serious chicanery was involved in the pandemic response. It was too coordinated, and it defied all the best current science. Unexpectedly, on Nov 7, 2020, I spoke to a large crowd about masking, my highly successful early treatment of COVID, and the fact that the government was trying to shut us down and control us.

The Multnomah County (Portland) Republican National Committee had recorded my speech and made a YouTube video of it that went viral globally. Apparently, the next day the video reached the eyes of OMB, and on Nov 9 the OMB medical director sent me a threatening letter advising me that I "may be in direct and active violation of current Governor Executive Orders" specifying that "elective and non-urgent procedures across all care settings that utilize PPE are allowed, but only to the extent they comply with guidance or administrative rules issued by the Oregon Health Authority."

The letter further stated that these "legal mandates" require all people to wear "properly fitted facemasks" when indoors in any care setting, this because "[m]asking has been shown to significantly reduce the spread of the novel coronavirus responsible for the current worldwide pandemic." Of course, that statement was contradicted by the scientific evidence. But according to OMB's medical director, my care "may be found to be negligent and may also constitute unprofessional or dishonorable conduct" and therefore "may be subject to administrative sanctions." He concluded, "Thank you for your prompt attention to these matters."

My prompt attention apparently necessitated a surprise visit from a board investigator, who requested five minutes of my time. I spent more than an hour explaining to him my disease prevention protocol, my 100 percent success in treating COVID-19 patients, and all the best science on masking—to no avail. His "investigation" got about nearly everything about my case wrong, except that my staff and I were not masking. He lied, fabricated, and misrepresented data, and his bias was clearly to support the government party line. His investigation was shoddy at best; he acted more as a prosecutor than an investigator.

The next morning, after the entire world had been notified, the investigator advised me that OMB suspended my license by "emergency" order. No explanation. No due process. No free speech protection. Guilty as charged, allegedly for not practicing medicine according to Governor Kate Brown's "legal mandates." I was unaware that an unlicensed governor could practice medicine in Oregon. Nothing was legal with these decisions, and I quickly sought counsel and filed a federal lawsuit against OMB.

The board does all its damage in administrative courts, and is highly skilled in staying out of a real courtroom. OMB immediately petitioned to dismiss my case on the grounds of it having "judicial immunity." It took a year for the judge to respond, but my federal lawsuit was dismissed—after OMB blindsided me with a new "Complaint and Notice of Proposed Disciplinary Action" on Jul 16, 2021. To all the previous "findings" related to COVID guidelines, this complaint added conclusions from two fraudulent pain medicine investigations that had been opened in 2019 and never closed.

Medical Boards' Tyranny in Pain Medicine

OMB has been on the warpath against all doctors practicing pain medicine at least since the Centers for Disease Control and Prevention (CDC) chronic opioid prescribing guidelines surfaced in 2016. When a pain patient of mine repeatedly refused to abide by one of those guidelines, and then verbally abused my staff, I terminated his care. The patient's partner's friend filed a complaint against me, unbeknownst to the patient himself (so the accuser stated in a personal letter to me). Though my action was clearly justified, OMB opened an investigation.

Less than a month later, on Dec 10, 2019, I received another notice from OMB, this time stating, "The Oregon Medical Board has received a complaint regarding your care and treatment of [seven additional] patients…and have [*sic*] opened an investigation." The vague charge was that "Licensee is not following the guidelines for the treatment of chronic pain." Once again, "guidelines" were cited, but not a mention was made of what guidelines I was being accused of not following. Five of these seven patients actually wrote affidavits on my behalf after OMB suspended my medical license.

At the ensuing Investigative Committee meeting, several specialists took turns at setting traps for me. I focused on exposing their ignorance about pain medicine. They called for the meeting to end, but I challenged them, stating that according to their policy, I could now ask them questions. Although the chairman insisted they were out of time, I continued. "Why did you open an investigation on a patient who was rightfully terminated for not following the 'guidelines' and violating his opioid agreement?" No answer. Second question: "Was there a complaint filed against me by seven patients regarding my treatment of their chronic pain?" They responded that they could not give out the names or discuss anything about anyone who files a complaint." That wasn't my question. I repeated, "Was a complaint actually filed against me about these seven patients?" Thirty seconds elapsed. No answer. My attorney then spoke up for the first time and stated, "You didn't answer Dr. LaTulippe's question." He repeated the question. Again, no answer. Just silence.

I immediately sent OMB medical literature to support my position against the erroneous claims regarding pain management. Then I heard nothing further for some time. The investigation was left open.

Medical Board Retaliation

The proposed disciplinary action dated Jul 16, 2021, included fully revoking my license and fining me $10,000. The day before this complaint was filed, my wife and I left the state to visit our daughters in Arizona, and we put our mail on hold. Our intent was to be gone four weeks, but we extended our stay for seven weeks. Upon our return, we found a letter from the OMB sent by regular-service mail; the certified letter had been returned unopened after two weeks. The letter announced their proposed action and gave me three weeks to respond. Not having received the notice, I responded four weeks late. I mailed the letter certified, and at the same time received a notice that a default order for revoking my medical license and the $10,000 fine were acted upon because I had not responded. Again, no due process. OMB made no attempt to contact me, despite having my email address and cell phone number.

After receiving my response, OMB refused to reconsider. And since my license was revoked because of additional pain "findings," the board's petition to dismiss my federal lawsuit was granted. I appealed the case for judicial review, but at the time I had no legal representation. Now that I have an attorney, I am a slightly less vulnerable victim. But delay after delay has greatly drawn out the legal process.

How Medical Boards Destroy Doctors

State medical boards can destroy highly qualified, conscientious, caring, and competent physicians for no other reason than that the doctors didn't follow the current political narrative. Although their stated purpose is to protect the public from rogue doctors who do terrible things to patients, the actual purpose of state medical licensing boards now includes policing dissenters who abide by their Oath of Hippocrates and actually base medical decisions on the best scientific evidence. How many good doctors have been removed? How could we find out? How do licensing boards get away with it, and why is the public unaware of their sordid tactics? The answers are compelling—and frightening.

The process of weakening and wearing down good physicians by state medical boards is systematic and can be described by what I call the six D's:

- **Demoralize** you,
- **Divest** you of your income,
- **Destroy** your reputation publicly,
- **Divert** attention from the real issue,
- **Delay** the litigation process for as long as possible, and
- **Deprive** you of licensure in another state.

A colleague encouraged me to apply for a Florida medical license because legislators there vowed to not deny a medical license to anyone persecuted by medical boards because of COVID. Such was my case. But after I filed a federal lawsuit against OMB for constitutional violations, it suddenly found cause to open new bogus investigations against me, citing ludicrous things that allegedly happened to patients that I hadn't seen for as long as five years.

I'm uncertain whether any of these fabricated cases are still open despite OMB's having revoked my license. The Florida Medical Board informed me that any open case would nullify my opportunity to apply for a Florida license to practice medicine. Since my case against OMB is now pending in Oregon Appellate Court, I was denied the state license. But all OMB had to do was keep open a single bogus investigation—something they do all the time—to prevent me from ever again practicing medicine in any state.

Medical boards ruthlessly break the law with no fear of consequences, have zero accountability, and know full well that the rigged judicial system will always guarantee their victory against medical doctors. State medical boards can do whatever they want; and they know it. Their methodology is based on five factors: judicial immunity, avoiding real courtrooms, capitalizing on the physician's weaknesses, ignoring the best science, and discarding all ethics.

Judicial Immunity

The ever-abused disclaimer of medical boards charged with any foul play is "judicial immunity." They assert that their actions were implemented under the protective canopy of serving as a judge. As judge, they declare themselves exempt from all charges such as character defamation, malicious prosecution, fraud, and even glaring constitutional violations that involve the First, Fifth, and Fourteenth Amendments.

Medical board members are selected by the state governor, and consist of a potpourri of medical and non-medical personnel. They have no legal expertise, but when it comes to taking down physicians, they are self-declared "experts." The legal system has rules that must be followed, but medical board accusers have their own unique set of rules. They would be quickly destroyed in a real courtroom, but they are able to work in a system that fully enables their methods: administrative law.

Administrative Court—the Quintessential Kangaroo Court

Unlike in civil and criminal courts, the composite medical board is assigned the role of judge, although the members have no training in jurisprudence. Their assuming full judicial authority is akin to practicing medicine without a license. Also, no due process of the law applies to these courts. There are no rules of evidence, and hearsay is fully admissible as "evidence" of wrongdoing.

Hearsay might involve a stranger far away who read an article or somehow heard about a doctor and decides he wants to file a complaint with the state board against the doctor. If such a "witness" makes any blind accusation against the doctor—whom he may not know in the least—then that surreptitious charge would be considered as evidence. If the accusation favors the bias of the medical board team, then it becomes very useful fodder in a board proceeding.

When a medical board takes action against a medical professional, such hearsay is memorialized in the widely publicized, unscrupulous mainstream media that adds its own twist, giving the public the false impression that this rumor or personal statement is a proven fact. In this way, even the most absurd and false claims (lies) are tied to the "villain," and his character is quickly destroyed. Of course, the board knows the claims are fallacious, but they will serve to incite the recruited vigilantes to attack their prey. Threats and insults and new accusations are sure to follow. And that rationalizes the board's deviant scheme.

All such accusers are given full protection by the board. That means the indicted medical doctor isn't allowed to know the identity of his accuser(s). It means no cross-examination is permitted. This allows the board to build a case against a doctor without any evidence of patient harm or actual wrongdoing.

An administrative law judge (ALJ) is assigned to these

hearings, but acts only in an advisory capacity. Since medical board members are clueless about judicial procedure, the ALJ facilitates medical board "judges" and makes recommendations that favor the board's actions and decisions. The bias of ALJs is readily obvious, as expected, since a huge conflict of interest compromises them: they receive their income from government agencies that they represent. In other words, the entire administrative court system is rigged. Judgment is already decided before the hearings begin. It is rare for a defendant to win in administrative courts. They are the quintessential kangaroo court.

Disarming the Victims of Medical Board Abuse

One of the most devastating actions committed by state medical boards against accused doctors is rendering them weak and unfit to ward off their vicious attacker. The moment a physician's license is suspended, his income is abruptly halted. Yet he must still pay out many expenses in the process of closing his clinic. How can he afford to hire an attorney? That's easy, just dip into life savings for retirement, or deplete the children's college funds. Then hire an expensive attorney who already knows the case is futile, but will go through the motions of defending you in the mock court. After all, it does provide the lawyer income. By that time, your funds are sufficiently depleted that you are extremely hesitant to appeal your case in civil court. What will that cost?

After all the libel and slander, abrupt loss of income, notifications that all medical affiliations, board certifications, insurance contracts, and hospital privileges have been canceled, the pending sense of doom begins to engulf you.

'The Science' Substitutes for Best Science

Throughout the fake court hearings, you realize that all the best evidence you presented to defend your actions and your honor meant nothing. The board accused you of not complying with a standard of care or best practices, when in fact, such standards were based on the weakest and most biased medical studies available, or simply on the whim of the state's "woke" health agencies. The best science was neither cited nor acknowledged. Good science was ignored. When I declared this elephant in the room, the board simply did not respond. All logic and strong evidence were overruled by some means or another by the ALJ.

Ethics and Morality Discarded

Exposing all the subtle discrepancies of justice that occur in a medical board action is a formidable challenge. State medical boards abide by no code of ethics, and they make their own definitions of good and evil. How else can one explain the fact that state medical boards have no problem with surgeons who mutilate, and render forever infertile, perfectly healthy young bodies under the guise of "gender-affirming care," while they will gladly crush a physician who actually heals the sick and first does no harm?

When ethics and morality are discarded, people will do whatever evil they wish, and justify it to themselves. Never will they consider the collateral damage they do. When OMB suspended my license, thousands of patients suddenly had no physician. One-half of my practice involved pain and addiction medicine. This population was doing very well under my care. Some of them now have suffered greatly, and in diverse ways. One committed suicide. Several applied for disability compensation. Others returned to heroin and other street drugs. Some are depressed and anxious due to lack of quality care. A few have given up and slowly wilt away.

My receptionist derived much support from our "clinic family." She had been suffering from severe personal and family issues, but she thrived in my office. After my clinic closed, she moved and sought other employment. In a few months, she died from a substance overdose.

The Consequences of Such a System

I practiced medicine without blemish for more than 22 years before OMB took me down for telling the world that early medical treatment for COVID-19 was extremely effective. What if a small-town doctor showed the world that there is an effective COVID-19 treatment when Emergency Use Authorization for an experimental vaccine requires that no treatment be available? The loss to the pharmaceutical industry would be enormous. Thus, independent doctors must be sacrificed.

State medical boards are so powerful that almost all physicians are terrorized into silence and submission. I broke the rules, and I paid the price. I lost my license, my clinic, my home, my career, my reputation, and my means of supporting my family.

The evidence that OMB conveniently ignores is that no actual complaint was ever filed against me by any of my patients, and that I never caused any harm to even a single patient. I only did my job. OMB lied about a complaint being filed against me—a gross injustice. Will I ever be vindicated? In the world's eyes, it likely doesn't matter.

Restoring Medical Freedom

Some say that we need a parallel medical system in America, free from the pirated third-party system. Such a system would be incredibly effective at restoring quality medical care. But that would likely be the system's downfall. Independent doctors would still be a small minority. They would yet be attacked and threatened for doing their job faithfully. Thwarted by corrupt pharma, judges, lawyers, hospital CEOs, and many other colleagues, could they survive?

Medical freedom demands that we dissolve the Federation of State Medical Boards, which now advises every state's medical licensing board to punish doctors for speaking truth in medicine and insisting on informed consent. State medical boards must be dethroned. Litigation and legislative changes are vital.

Now is the time to act, as the evidence of the death and disease caused by malefactors in the disastrous COVID-19 response mounts. International and U.S. government agencies, and their officials, knew the truth. The truth will be told in history, but many lives will be saved if we boldly and loudly proclaim the truth now.

As individuals, we must all do what we can to better our world, and recognize that whatever the price of freedom, no cost is too great.

Freedom is only vanquished when the people forfeit their liberty. Once lost, this pearl of great price may never be restored.

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United States Senate

COMMITTEE ON FINANCE
WASHINGTON, DC 20510–6200

To: Members of the Senate Finance Committee
From: Senator Chuck Grassley, Chairman of the Senate Finance Committee
Senator Ron Wyden, Ranking Member of the Senate Finance Committee
Date: December 16, 2020
Re: Findings from the Investigation of Opioid Manufacturers' Financial Relationships with Patient Advocacy Groups and other Tax-Exempt Entities

Dear Colleagues:

As the nation continues to respond to the COVID-19 pandemic, we want to bring your attention back to another concerning public health matter: our nation's opioid epidemic. Opioid overdoses claimed more than 450,000 lives in the United States from 1999 to 2019, and preliminary data from the Centers for Disease Control and Prevention (CDC) suggests drug overdose deaths, including those attributed to opioids, have accelerated since the pandemic began.[1] Indeed, COVID-19 has increased risk factors associated with substance-use disorders (SUDs) and opioid-use disorders (OUDs) like feelings of anxiety, depression, loneliness, and an ongoing sense of uncertainty.[2] For individuals suffering from these diseases, COVID-19 has even presented additional barriers to treatment and social support services as people are urged to stay-at-home and social distance.[3] We are concerned that this will only worsen as our country continues to battle COVID-19 and as social isolation and lack of access to SUD and OUD treatment persists.

As the opioid epidemic and its impact on programs within the Finance Committee's jurisdiction shows no signs of abating, we write to provide you with an update on the

[1] *Opioid Overdose, Data Analysis and Resources*, CTRS. FOR DISEASE CONTROL AND PREVENTION, https://www.cdc.gov/drugoverdose/data/analysis.html (last viewed Dec. 10, 2020).
[2] Alex Edelman, *Overdose deaths appear to rise amid coronavirus pandemic in U.S.*, NBC NEWS (Oct. 20, 2020), https://www.nbcnews.com/health/health-news/overdose-deaths-appear-rise-amid-coronavirus-pandemic-n-s-n1244024; Jon Kamp and Arian Campo-Flores, *The Opioid Crisis, Already Serious, Has Intensified During Coronavirus Pandemic*, WALL ST. J. (Sept. 8, 2020), https://www.wsj.com/articles/the-opioid-crisis-already-serious-has-intensified-during-coronavirus-pandemic-11599557401.
[3] Jon Kamp and Arian Campo-Flores, *The Opioid Crisis, Already Serious, Has Intensified During Coronavirus Pandemic*, WALL ST. J. (Sept. 8, 2020), https://www.wsj.com/articles/the-opioid-crisis-already-serious-has-intensified-during-coronavirus-pandemic-11599557401. *See also* DEP'T OF HEALTH AND HUMAN SERVS., OFF. OF INSPECTOR GEN., OPIOID TREATMENT PROGRAMS REPORTED CHALLENGES ENCOUNTERED DURING THE COVID-19 PANDEMIC AND ACTIONS TAKEN TO ADDRESS THEM (Nov. 2020), https://oig.hhs.gov/oas/reports/region9/92001001.asp?utm_source=web&utm_medium=web&utm_campaign=covid-A-09-20-01001.

Committee's ongoing investigation into the financial relationships between opioid manufacturers and tax-exempt organizations. To date, the Committee has identified approximately $65 million in payments that opioid manufacturers and related companies have made to tax-exempt entities, which suggest that manufacturers view these organizations as helpful extensions of their sales and marketing efforts.

The Committee's Long-Standing Interest in the Opioid Epidemic

The opioid epidemic has directly impacted Federal health care programs under the Committee's jurisdiction, and has been a long-standing interest of its members.[4] The increased use of opioid drugs for long-term chronic non-cancer pain in the 1990's dramatically increased the number of Medicare and Medicaid patients admitted to hospitals for "opioid overuse."[5] By 2017, Medicare and Medicaid covered approximately 73% of 974,000 opioid-related inpatient hospital stays.[6] Furthermore, earlier this year, and before the COVID-19 pandemic, the Office of Inspector General at the Department of Health and Human Services (HHS OIG) reported that 267,000 Medicare Part D beneficiaries received high amounts of opioids in 2019, and 209,000 beneficiaries received medically assisted treatment.[7] And, while the HHS OIG found that opioid use in Medicare Part D had decreased in 2019 (when compared to the past 3 years) due to the efforts of the Department of Health and Human Services (HHS) and others, it stressed the critical need to remain diligent, especially during the COVID-19 pandemic.[8]

Over the past eight years, we have used our leadership positions to seek greater transparency into the financial relationships between opioid manufacturers and tax-exempt organizations. Our work reveals that opioid manufacturers have maintained extensive financial relationships with tax-exempt organizations, including pain advocacy groups, professional provider groups, and medical associations. In turn, these groups have sought to influence opioid prescribing practices and related Federal policy connected to opioid use and pain care that directly affects Medicare and Medicaid. Given these ongoing concerns, on June 28, 2019, we sent letters to 10 tax-exempt organizations and requested information about their financial relationships with opioid manufacturers.[9] These groups included:

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[4] Senator Grassley, in his capacity as Ranking Member of the health subcommittee, co-chaired the Committee's first hearing on the opioid epidemic in 2012. *Prescription Drug Abuse: How are Medicare and Medicaid Adapting to the Challenge?, Hearing Before Subcomm. On Health of the S. Fin. Comm.* 112th Cong. (2012), https://www.finance.senate.gov/hearings/prescription-drug-abuse-how-are-medicare-and-medicaid-adapting-to-the-challenged.

[5] The number of combined hospital inpatient stays among Medicare and Medicaid beneficiaries increased from 126,500 in 1993 to 437,800 in 2012. *See Hospital Inpatient Utilization Related to Opioids Overuse Among Adults 1993-2012*, AHRQ Table 2 (Aug. 2014), http://www.hcup-us.ahrq.gov/reports/statbriefs/sb177-Hospitalizations-for-Opioid-Overuse.pdf.

[6] *HCUP Fast Stats – Opioid-Related Hospital Use*, AHRQ, https://www.hcup-us.ahrq.gov/faststats/OpioidUseMap (last viewed Nov. 25, 2020).

[7] DEP'T OF HEALTH AND HUMAN SERVS., OFF. OF INSPECTOR GEN., OPIOID USE IN MEDICARE PART D CONTINUED TO DECLINE IN 2019, BUT VIGILANCE IS NEEDED AS COVID-19 RAISES NEW CONCERNS (Aug. 13, 2020), https://oig.hhs.gov/oei/reports/OEI-02-20-00320.asp.

[8] *Id.*

[9] Press Release, Grassley, Wyden Press for Answers on Financial Relationships Between Opioids Manufacturers and Tax-Exempt Organizations (July 1, 2019), https://www.grassley.senate.gov/news/news-releases/grassley-wyden-press-answers-financial-relationships-between-opioid-manufacturers.

1. American Chronic Pain Association
2. American Pain Society
3. American Society for Pain Management Nursing
4. American Society of Pain Educators
5. Center for Practical Bioethics
6. Federation of State Medical Boards
7. The Joint Commission
8. American Academy of Physical Medicine and Rehabilitation
9. Alliance for Patient Access
10. International Association for the Study of Pain

We requested complete Internal Revenue Service (IRS) Form 990s filed for each year between 2012 and 2019, as well as a detailed accounting of all payments and transfers including, but not limited to, contributions, grants, advertising, program scholarship, and other revenue and remuneration.[10] In a separate, but related inquiry, Senator Wyden also requested information from the U.S. Pain Foundation and the American Academy of Pain Medicine.[11]

The goal of our requests was to identify these groups' largest pharmaceutical donors and to ascertain whether these payments influenced the organizations' activities in any way, especially as they pertain to opioids and opioid prescribing practices. This investigation also built on work the Committee began in 2012, when then-Chairman Max Baucus of the Senate Finance Committee and then-Ranking Member Chuck Grassley of the Senate Judiciary Committee examined Purdue Pharma, Endo Pharmaceuticals, and Johnson & Johnson's financial relationship with tax-exempt medical groups, and included questions about payments made to physicians who specialize in pain management.[12] Ranking Member Wyden subsequently sent letters to Secretary Burwell,[13] Secretary Price,[14] Secretary Azar[15] and the National Academy of Medicine,[16] raising concerns about conflicts of interest of various members of Federal advisory

[10] *Id.*
[11] Letter from Senator Ron Wyden to Dr. Jianguo Cheng, President, American Academy of Pain Medicine (Mar. 12, 2019), https://www.finance.senate.gov/imo/media/doc/031319%20Wyden%20letter%20to%20AAPM.pdf; Letter from Senator Ron Wyden to Nicole Hemmenway, Interim CEO, U.S. Pain Foundation (Dec. 18, 2018), https://www.finance.senate.gov/imo/media/doc/121818%20Senator%20Wyden%20to%20the%20U.S.%20Pain%20Foundation.pdf.
[12] Press Release, Baucus, Grassley Seek Answers About Opioid Manufacturers' Ties to Medical Groups (May 8, 2012), https://www.finance.senate.gov/chairmans-news/baucus-grassley-seek-answers-about-opioid-manufacturers-ties-to-medical-groups.
[13] Letter from Senator Ron Wyden to Sylvia Burwell, Secretary, Department of Health and Human Services (Feb. 5, 2016), https://www.finance.senate.gov/imo/media/doc/Wyden%20Letter%20to%20HHS_Opioid%20Conflicts.pdf.
[14] Press Release, Wyden Asks Price to Delay Federal Opioid Workshop Until Industry Conflicts are Examined (May 8, 2017), https://www.finance.senate.gov/ranking-members-news/wyden-asks-price-to-delay-federal-opioid-workshop-until-industry-conflicts-are-examined.
[15] Press Release, Wyden Reveals Opioid Industry Ties on HHS Task Force, Probes Advocacy Group's Finances (Dec. 19, 2018), https://www.finance.senate.gov/ranking-members-news/wyden-reveals-opioid-industry-ties-on-hhs-task-force-probes-advocacy-groups-finances.
[16] Press Release, Wyden Concerned by National Academy Ties to Opioid Manufacturers (July 5, 2016), https://www.finance.senate.gov/ranking-members-news/wyden-concerned-by-national-academy-committee-ties-to-opioid-manufacturers.

panels who were financially linked to industry or industry-backed groups that are the subject of this investigation.[17]

2012: The Investigation Begins

The financial information collected during the Committee's 2012 inquiry showed that Purdue Pharma, L.P., (Purdue), Endo Pharmaceuticals (Endo), and Johnson & Johnson maintained strong financial ties to tax-exempt organizations and, in some cases, paid millions of dollars to them.[18] For example, Purdue reported to the Committee that it had made payments to a handful of tax-exempt organizations totaling more than $18 million. Between 1997 and 2012, these payments included approximately $3.6 million to the (now-defunct) American Pain Foundation, $3.6 million to the Center for Practical Bioethics, and $3 million to the American Pain Society, which filed for bankruptcy in 2019.[19]

These payments were part of a broad strategy Purdue took to fund tax-exempt groups. Between 2006 and 2010, an internal presentation showed that the company spent $24.5 million on education grants and donations, funding hundreds of requests annually.[20] The company also met with and closely tracked encounters with pain societies, professional associations, and professional licensing boards and "developed message points for internal and external stakeholders."[21] (The same internal presentation shows that the American Pain Foundation, American Pain Society, American Academy of Pain Medicine, the American Board of Pain Medicine, and the American Society of Pain Educators,[22] were organizations with close ties to Purdue at the time).[23]

Such deep cooperation was on display at the American Pain Foundation—a now-defunct, but once-influential non-profit. According to the American Pain Foundation's 1998 business plan, "most pain sufferers are under-medicated" and "many [physicians] are reluctant to prescribe opioids because they mistakenly think their patients will become addicted to the drug or because they fear investigation and sanctions by regulatory bodies."[24] The American Pain

[17] Ranking Member Wyden's letters were based in part on information contained in CMS's Open Payments database created by the Physician Payment Sunshine Act that Chairman Grassley championed in the Senate.
[18] Letter from Theodore Hester, Counsel, King & Spalding, on Behalf of Purdue Pharma, to Senator Baucus and Senator Grassley (June 8, 2012); Letter from Raymond V. Shepherd, Counsel, Venable, on Behalf of Endo Pharmaceuticals, to Senator Baucus and Senator Grassley (June 15, 2012); Letter from Daniel Donovan, Counsel, King & Spalding, to Senator Baucus and Senator Grassley (June 8, 2012); SFC00000001; JJ-SFC-00000001-10.
[19] SFC00000001. *See also* Appendix A and B.
[20] SFC00002172, at SFC00002193.
[21] *Id.* at SFC00002175-76, SFC00002179, SFC00002220, SFC00002186.
[22] The American Society of Pain Educators was founded in 2004. It operated as a tax-exempt organization from 2004 until 2012, when the IRS revoked its status. ASPE's activities included providing tests that certified providers as "pain educators," and public tax records show it was involved in a number of medical communications activities. ASPE is closely associated with Aventine Co., a medical communications firm based in New Jersey, which has done business as *PainWeek*, a conference and communications franchise that features presentations from many people with professional and financial ties to opioid manufacturers. *PainWeek* was purchased by an Irish media company in 2015 in a multi-million acquisition. Purdue was one of several pharmaceutical companies that maintained "corporate memberships" with ASPE. *See* ASPE_000029-30.
[23] SFC00002172, at SFC00002175-76, SFC00002179, SFC00002220, SFC00002186.
[24] American Pain Foundation's 1998 Business Plan, at 3-2. Emphasis added.

Foundation's goal at the time was to reduce the "percentage of Americans who agree that it is easy to become addicted to pain medicine."[25]

Purdue was the American Pain Foundation's largest funder during the organization's early years of existence, and the company repeatedly sent the organization checks exceeding $100,000, as well as other financial assistance such as underwriting "challenge grants." Documents also show that as the foundation solicited funds from Purdue, it provided the company's top executives frequent and detailed updates, including to its president, Richard Sackler.[26] The accomplishments memo sent to Mr. Sackler highlighted multiple initiatives, including state and Federal lobbying efforts, and a public relations efforts to fight "misconceptions about [o]pioids in the [p]ress," noting that it had sent background materials to 1,200 health journalists.[27]

Similarly, in 2007, Purdue and the American Pain Foundation worked closely to draft talking points for use during the Pain Care Forum, a coalition of drug manufacturers and other advocacy groups that met monthly to discuss opioid-related issues. According to these talking points:

> Overly restrictive regulatory policies impeded pain relief . . . [and] other barriers to effective pain care include . . . the public—including doctors and people with pain—often believe that opioid medications are addictive and produce euphoria. The fact is that when properly prescribed by a health care professional and taken as directed, these medications give relief – not a 'high.'[28]

After reviewing these draft talking points, a Purdue Pharma official wrote in track changes, "Do we want an ethical message . . . like if as a [health care provider] if you know the right thing to do and you don't do it . . . or the moral obligation to treat suffering????"[29] An employee of the American Pain Foundation wrote in a subsequent email that she amended the talking points to reflect the Purdue Pharma official's suggestions."[30]

In addition to its close financial relationships with the American Pain Foundation, Purdue reported paying $2.1 million to the Joint Commission for Accreditation of Health Organizations (now known as the "Joint Commission"), a standard-setting body for the health care industry. The data produced in response to the Committee's 2012 investigation shows that this organization also received "support for pain management activities" from Johnson & Johnson, Ortho McNeill (now Janssen), National Pharmaceutical Council, Endo, Pfizer, and Abbott Labs.[31] This financial support occurred primarily between 2000 and 2002, when the Commission was developing a pain care guide and other materials that were distributed to providers.

The pain care guide notes that "[s]ome clinicians have inaccurate and exaggerated concerns" about addiction, tolerance and risk of death, and that "[t]his attitude prevails despite

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[25] *Id.*
[26] *See* APF65-111, APF298-99.
[27] APF65-69.
[28] SFC00011527-29.
[29] *Id.*
[30] SFC00011511.
[31] Letter from Mark Chassin, President, The Joint Commission, to Senators Baucus and Senator Grassley (June 29, 2012).

the fact there is no evidence that addiction is a significant issue when persons are given opioids for pain control."[32] The Commission's data further disseminates these payments:

- In October 2001, Purdue funded the publication of a book for "Pain assessment and management: an organizational approach," totaling $58,272. The company also funded two videos in August 2000 for "Pain Management in Special Populations: Geriatric and Disease Related Pain," totaling $85,000.[33]
- In 2001, Ortho McNeill (now Janssen) provided funding for "Pain Management: An Overview for Clinicians audioconference," totaling $66,000.[34]
- The National Pharmaceutical Council paid $155,104 between 2001 and 2002 for the Joint Commission to develop "a monograph designed as a reference for clinicians, quality professionals, researchers and others involved in performance assessment, improvement, education, and policy decisions related to pain management within health care organizations."[35]

Such initiatives were lumped in with other sales and marketing investments that opioid manufacturers made to expand the market footprint of their products. For example, this approach was on display in a pair of presentations created for Opana ER, an opioid drug marketed by Endo. (The company would later stop marketing in response to an unprecedented request from the Food and Drug Administration (FDA) which determined that the "benefits of the drug may no longer outweigh its risks.")[36] Ten years earlier, Endo identified such a threat in a multi-year business plan for Opana ER stating: "increased awareness of Rx abuse may lead to tighter governmental oversight and new restrictions for opioid analgesics."[37]

Even though Endo knew of these risks, the company's business plan for marketing Opana ER included "utilize[ing] existing and newly trained pain specialist speakers" in an effort to provide a platform for dialogue between pain specialists and the pain care physician community to discuss the features and benefits of Opana ER."[38] The business plan goes on to cite two physicians who served as speakers, including Bill McCarberg, a physician who Endo reported paying more than $45,000 from the company for honoraria, sales support, and pain education from 2001 to 2006.[39] McCarberg, who at one point led the American Academy of Pain Medicine,[40] has received over $700,000 from pharmaceutical manufacturers since 1998, including opioid makers Johnson & Johnson, Purdue, Pfizer, Collegium Pharmaceuticals and

[32] Thomas Catan and Evan Perez, *A Pain-Drug Champion Has Second Thoughts*, WALL ST. J. (Dec. 17, 2012), http://www.wsj.com/articles/SB10001424127887324478304578173342657044604.
[33] Letter from Mark Chassin, President, The Joint Commission, to Senator Baucus and Senator Grassley (June 29, 2012); Attachment A.
[34] *Id.*
[35] *Id.*
[36] Press Release, FDA requests removal of Opana ER for risks related to abuse (June 8, 2017), https://www.fda.gov/news-events/press-announcements/fda-requests-removal-opana-er-risks-related-abuse
[37] SFC-00025042, at SFC-00025056.
[38] *Id.* at SFC-00025072-75.
[39] SFC00000001.
[40] SFC-00025042, at SFC-00025079.

Janssen Pharmaceuticals.[41] Open Payments data further underscores the importance manufacturers' place on these relationships. Endo has provided more than $28 million to physicians, as well as sponsored research and development initiatives since 2013.[42] Similarly, Purdue provided $89 million to physicians and sponsored research during the same period.[43]

Endo also heavily invested in tax-exempt organizations focused on pain issues during this period. Endo reported that it made payments of $5.9 million to the American Pain Foundation, $4.2 million to the American Pain Society, $1.3 million to the American Academy of Pain Medicine, and $369,000 to the Federation of State Medical Boards between 1998 and 2012.[44] An internal presentation created for Endo's scientific affairs team in 2011 describes the company's interest in such investments, and the importance of developing "strategic partnerships . . . that further advance the coordination of the professional, patient, gov't and community advocacy efforts."[45] The presentation also highlighted efforts to advocate for tamper resistant opioids and the company's "strategic third party partnerships" with the American Pain Society, American Academy of Physical Medicine and Rehabilitation, American Academy of Pain Medicine, American Academy of Pain Management, Advanced Pain & Spine Institute, the Arthritis Foundation, National Council on Aging, and its membership in 17 State Pain initiatives.[46] It further notes that the company was "indisputably recognized as leader by the Pain Community and primary care for all pain therapeutic areas," citing its role in mobilizing a "rapid response" to an FDA proposal related to acetaminophen, securing an author for a white paper in the journal *Pain Medicine*, and leading in development of Risk Evaluation and Mitigation Strategies or REMS.[47]

Endo's business plan likewise noted the value of collaborating with tax-exempt organizations, their executives, and their board members. It identified conferences, and articles in their publications as components of a multi-channel marketing strategy to increase prescription volume.[48] For example, a pocket card for managing pain—and, endorsed by the American

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[41] Johnson & Johnson reported to the Committee that it paid McCarberg more than $109,000 from 2003 to 2010 for promotional speaker fees, advisory board work, and honoraria. Purdue Pharma reported paying McCarberg nearly $51,000 from 1998 to 2005 for lecture programs, consulting fees, and clinical research. Open Payments data further shows that McCarberg was paid more than $504,000 from pharmaceutical manufacturers from 2013 to 2019, including tens of thousands of dollars while he was head of the American Academy of Pain Medicine. *Open Payments Data, Physician Profile for Bill McCarberg*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/171986 (last viewed Dec. 2, 2020).

[42] *Endo Pharmaceuticals, Inc.*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/company/100000000285 (last viewed Nov. 25, 2020).

[43] *Purdue Pharma, L.P.*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/company/100000005432 (last viewed Dec. 2, 2020)

[44] Endo Pharmaceuticals, Inc. payments to organizations.

[45] SFC-00057051, at SFC-00057069.

[46] *Id.* at SFC-00057069, SFC-00057071. Data collected by the Committee in 2019 shows that Endo's relationship with the organizations continued. The company paid the American Academy of Pain Medicine $149,950 from 2013 to 2016 for corporate memberships, and various advertising at annual meetings. Endo also paid the American Academy of Physical Medicine and Rehabilitation $30,000 to maintain a seat on the organization's industry relations council from 2012 to 2014, and $8,500 to sponsor Risk Evaluation and Mitigation Strategies (REMS) at a 2012 annual assembly.

[47] *Id.* at SFC-00057069.

[48] SFC-00025042.

Society of Pain Educators[49]—was among a list of "valued added initiative[s]" that "Endo sales representatives perceived as adding higher value than competitive representatives."[50] During the two years leading up to the business plan presentation, Endo made contributions and grants to the American Society of Pain Educators totaling at least $45,000[51] and maintained a corporate membership with the organizations, which involved paying the organization at least $25,000.[52] That same year, the American Society of Pain Educators made over $175,000 in payments to other pain advocacy organizations, including the American Association for Pain Management and the American Pain Society.[53]

These industry-developed materials and talking points frequently downplayed or distracted from the addictive nature of prescription opioids. At the same time, companies sought to increase brand allegiance among prescribers, and adherence among patients. Meanwhile, prominent pain experts acknowledged that "much remains unknown about the number or types of chronic pain sufferer who will become addicted as a result of medical care," and an FDA spokesperson said "the risk of addiction to chronic pain patients treated with narcotic analgesics has not been well studied and is not well characterized."[54] These efforts directly influenced the medical community, causing them to widely believe that there was a low risk for addiction among patients with chronic pain—a false narrative promoted by opioid manufacturers to increase use of their opioid products.[55]

2019: Senator Grassley and Senator Wyden Expand Their Investigations

In 2019, the Committee broadened its investigation to examine the financial relationships between a wider range of companies and non-profit organizations. We requested and received IRS Form 990s, grant contracts, and financial audits. These data were then compiled to assess each organization's financial relationship to drug manufacturers that marketed opioids and opioid-related products such as therapies to treat opioid use disorder, opioid overdoses or opioid-induced constipation. Committee staff further analyzed the data to understand the timing and purposes of these payments.[56] We also sought presentations and other internal documents, which

[49] In 2016, the National Academies of Sciences, Engineering, and Medicine removed an ASPE board member from a panel studying prescription painkillers, following conflict of interest concerns raised by Ranking Member Wyden. Andrea McDaniels, *Painkiller panel drops experts linked to pharma industry*, BALTIMORE SUN (July 8, 2016), https://www.baltimoresun.com/health/bs-hs-fda-pain-panel-20160708-story.html. *See also* Press Release, Wyden Concerned by National Academy Committee Ties to Opioid Manufacturers (July 5, 2016), https://www.finance.senate.gov/ranking-members-news/wyden-concerned-by-national-academy-committee-ties-to-opioid-manufacturers.

[50] SFC-00025042, at SFC-00025106.

[51] ASPE_001510. (On file with the Committee).

[52] ASPE_000025-26; ASPE_000027-28.

[53] ASPE Form 990 (2007). (On file with the Committee).

[54] Barry Meier, *The Delicate Balance of Pain and Addiction*, NEW YORK TIMES (Nov. 25, 2003), https://www.nytimes.com/2003/11/25/science/the-delicate-balance-of-pain-and-addiction.html.

[55] Peter Whoriskey, *Rising painkiller addiction shows change from drugmakers' role in shaping medical opinion*, WASHINGTON POST (Dec. 30 2012), https://www.washingtonpost.com/business/economy/2012/12/30/14205a6-4bc3-11e2-b709-667035ff9029_story.html.

[56] These data were categorized for each type of donor (i.e. pharmaceutical company, biotech company, device company, government, hospital, foundation, etc.), and the product developed by that donor (i.e. opioids, opioid-related drugs, non-opioid pain drugs, other drugs, or devices). Categories were also created to systematically label each program type across all organizations. For example, donations were labeled as: "program", "conference",

the Committee used in combination with publicly available materials, to review and evaluate the types of activities pursued by organizations that received large sums of money from opioid manufacturers.

Based on payment data collected for this investigation, between 2012 and 2019, drug manufacturers that marketed opioids or opioid-related therapies paid almost $30 million to these organizations.[57] As the money rolled in, these organizations conducted activities similar to the ones that Purdue and Endo's internal documents previously identified as helpful to their respective businesses. Data collected by the Committee show that Teva Pharmaceuticals (Teva), Pfizer, Inc. (Pfizer), and Purdue were among the largest funders of these organizations. Teva led the way, having paid over $4.8 million, the largest beneficiaries of which included the American Chronic Pain Association, the International Association for the Study of Pain, the American Academy of Pain Medicine, the American Pain Society, and the U.S. Pain Foundation. Pfizer made payments of roughly $4.1 million, the largest share of which went towards funding programs at the International Association for the Study of Pain and the American Academy of Pain Medicine. Purdue paid $2.8 million, with the majority going to the American Association for Pain Medicine, the American Academy of Physical Medicine and Rehabilitation, and the American Chronic Pain Association. Other major funders included Daiichi Sankyo, which made payments of nearly $2 million, Endo, which made payments of almost $1.8 million, and AbbVie, which made payments of more than $1.6 million. In all, the Committee found that the tax-exempt organizations had received money from more than 40 pharmaceutical companies that market opioids or opioid-related products.

The data also shows that fees for opioid and opioid-related work is one of the biggest sources of revenue for some of these organizations. Together, Alliance for Patient Access, the American Academy of Pain Medicine, the American Chronic Pain Association, International Association for the Study of Pain, and the U.S. Pain Foundation received $23 million—millions of which came in the form of grants from drug and device manufacturers for opioid and opioid-related work. For example, the International Association for the Study of Pain received more than $4 million in funding from opioid manufacturers between 2012 and 2019. The Alliance for Patient Access came in at a close second, receiving $4.2 million.

By contrast, the American Society for Pain Management Nursing, Center for Practical Bioethics, and The Joint Commission all received less than $600,000 in payments for opioid and opioid-related work between 2012 and 2019. The Federation of State Medical Boards is the only organization that did not report receiving any funding from drug or device manufacturers between 2012 and 2019, opting instead to adopt a policy which precludes its acceptance of any grants or funding from pharmaceutical companies.[58] The Federation of State Medical Boards appears to have changed its policy shortly after the Committee's 2012 inquiry which showed that, between 2007 and 2012, the organization received approximately $1.3 million from Purdue.

"membership fees", "grant", "advocacy", "advertising" and "education/lecture". When possible, all payments were cross-referenced with 990 forms and other financial statements to eliminate duplicate observations. [hereinafter "payment data"]

[57] *See* Form 990s and accompanying Schedule Bs. (On file with the Committee).

[58] Letter from Humayun Chaudhry, President and CEO, Federation of State Medical Boards, to Senator Grassley and Senator Wyden (July 29, 2019).

Johnson & Johnson, and Endo.[59] The American Pain Society filed for bankruptcy the day it received our June 28th letter due to legal costs related to opioid litigation.[60]

The American Chronic Pain Association

The American Chronic Pain Association (ACPA) provides a clear example of how a tax-exempt organization benefited from opioid manufacturers funding its activities. The organization received funding from opioid makers, medical device manufacturers, and companies that market therapies for opioid-related conditions. These payments funded materials that appear to help sell products sold by opioid manufacturers, discussed opioid therapy while sidestepping the addictive nature of the drugs, and attributed responsibility for overdoses to people who misuse opioids.

For example, in recent years, the ACPA has received funding for videos that promote "abuse-deterrent formulation" opioids. Daiichi Sankyo, which sells an opioid with an abuse-deterrent label called MorphaBond (morphine sulfate),[61] paid the ACPA $75,000 to support the organization's abuse deterrent activities in 2018. The payment appears to be connected to a survey and video the company funded one month earlier.[62] The video that was subsequently posted on the ACPA's website opens with the host saying "pharmaceutical companies that make opioid medications now offer versions of these drugs that are more difficult to misuse," before moving to a series of questions and answers with a pain doctor who, for the most part, hews closely to warnings on the drug's FDA label.[63] (It's important to note that abuse-deterrent formulations have not been proven to be any less addictive than other types of opioids).[64] The doctor (Ajay Wasan, now president of the American Academy of Pain Medicine) has received $26,000 in payments from opioid manufacturers.[65] At one point in the video, Dr. Wasan appears to downplay the risk of addiction for patients using abuse-deterrent opioids:

> It is possible to get addicted to abuse-deterrent formulations. It's *unusual*, but one way is if someone takes an opioid and immediately feels a high. That is one possibility that can lead to addiction. The other possibility is if someone misuses

[59] Letter from Raymond V. Shepherd, Counsel, Venable, to Senator Baucus and Senator Grassley (June 15, 2012); SFC00000001; JJ-SFC_00000001.
[60] Alia Paavola, *American Pain Society files for bankruptcy as legal costs mount*, BECKER HOSPITAL REVIEW (July 1, 2019), https://www.beckershospitalreview.com/pharmacy/american-pain-society-files-for-bankruptcy-as-legal-costs-mount.html.
[61] Press Release, Daiichi Sankyo, Daiichi Sankyo, Inc. and Inspirion Delivery Sciences LLC Announce U.S. Licensing Agreement for MorphaBond™ Formulated with SentryBond™ Abuse-Deterrent Technology (Oct. 26, 2016), https://www.daiichisankyo.com/media/press_release/detail/index_3394.html.
[62] SFC_ACPA_0006. (On file with the Committee). *See also* SFC_ACPA_0221-39.
[63] *Abuse Deterrent Formulation*, AMERICAN CHRONIC PAIN ASSOCIATION at 0:27 to 0:34, https://www.theacpa.org/abuse-deterrent-formulations/ (lasted viewed Nov. 27, 2020).
[64] *Abuse-Deterrent Opioids Analgesics*, FOOD & DRUG ADMINISTRATION, https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/abuse-deterrent-opioid-analgesics (last updated June 11, 2019). (Here the FDA acknowledges that ADFs are not addiction proof, and highlights that it is requiring manufacturers with ADF labeling claims to conduct post-market studies to determine the real world impact of their products). *Id.*
[65] *Open Payments Data, Physician Profile for Steven Feinberg*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/272772/general-payments (last viewed Nov. 27, 2020).

their medications and takes extra medications over and over again. That can also lead to addiction.[66] (Emphasis added).

In the February letter to Daiichi Sankyo, Penny Cowan, President of the ACPA, notes that the manufacturer's money would support an anonymous survey done on people with pain in order to "investigate general population knowledge, attitudes, beliefs and behaviors as it relates to opioids and [abuse-deterrent formulation]."[67] She goes on to explain that the survey will inform the video content by "address[ing] the misconceptions and help them understand what they need to know about [abuse-deterrent formulations], so they are used, stored and dispose[d] of properly."[68] She further states "this video will communicate all aspects of [abuse-deterrent formulatioos] and the importance of their use," and would be posted to ACPA's website as well as turned ioto a DVD for distribution to health care professionals, at medical conventions, for patient education, and would be incorporated into all of ACPA's presentations.[69] The ACPA estimated that around 50,000 people will view the video.[70]

While much of the ACPA's funding came from opioid manufacturers, companies that have a financial stake in opioid-based pain treatment also contributed heavily to the organization. In turn, the organization produced programming and materials that hewed closely to the company's business interests, including at least one instance in which products were referred to in the material.[71] AstraZeneca, which markets Movantik (naloxegol),[72] a drug used to treat opioid-induced constipation, heavily funded the ACPA's opioid-induced constipation programming. In 2014, the same year that Movantik received FDA approval,[73] AstraZeneca was one of ACPA's corporate members that paid the organization tens of thousands of dollars annually to maintain its status. In addition, the company paid ACPA $215,000 in a two-year span to fund programming related to opioid-induced constipation.[74] (During the same time period, ACPA's expenses related to opioid-induced constipation was $207,000, according to a financial

[66] *Abuse Deterrent Formulation*, AMERICAN CHRONIC PAIN ASSOCIATION at 2:21, https://www.theacpa.org/abuse-deterrent-formulations/ (lasted viewed Nov. 27, 2020).
[67] SFC_ACPA_0221-39.
[68] *Id.* at SFC_ACPA_0221.
[69] *Id.* at SFC_ACPA_0229.
[70] *Id.* at SFC_ACPA_0233.
[71] *See Opioid Induced Constipation*, AMERICAN CHRONIC PAIN ASSOCIATION, at 4:22, https://www.theacpa.org/pain-management-tools/surveys/oic/ (last viewed Nov. 27, 2020). In this video, the narrator states that, if over-the-counter medication and increasing hydration is not enough, patients should consider methylnaltrexone or naloxegol, as these are "easier to take" than other treatment options. *Id.* It's important to note that naloxegol is manufactured under the trade name MOVANTIK™ by AstraZeneca. *See* Press release, AstraZeneca, FDA approves MOVANTIK™ (naloxegol) tablets C-II for the treatment of opioid-induced constipation in adult patients with chronic non-cancer pain (Sept. 16, 2014), https://www.astrazeneca.com/media-centre/press-releases/2014/fda-approved-movantik-opioid-induced-constipation-chronic-non-cancer-pain-patients-16092014.html#.
[72] Press release, AstraZeneca, FDA approves MOVTAIK™ (naloxegol) tablets C-II for the treatment of opioid-induced constipation in adult patients with chronic non-cancer pain (Sept. 16, 2014), https://www.astrazeneca.com/media-centre/press-releases/2014/fda-approved-movantik-opioid-induced-constipation-chronic-non-cancer-pain-patients-16092014.html#.
[73] *Id.*
[74] SFC_ACPA_0127-41.

audit).[75] One video produced by ACPA, titled "Opioid Induced Constipation,"[76] singles out AstraZeneca's product, even though at least one study published five months prior found that a competing product, subcutaneous methyl naltrexone, "was found to perform better than other interventions for managing opioid-induced constipation."[77]

Other educational videos posted on the ACPA's website specifically target conditions and treatments for pain. For instance, several videos are dedicated to explaining implantable medical devices like medication pumps and neurostimulators for treating pain. These videos are funded by Medtronic, a device manufacturer of pain medication pumps and nerve stimulators,[78] which donated $100,000 for the production of a DVD and web segment on implantable devices.[79] Other videos walk the viewer through how the devices work, as well as benefits, risks, goals for treatment, what is involved in implantation procedures, what living with a pump is like, and maintenance of the pump.[80] One physician featured in the video is an anesthesiologist who received 235 payments, for a total of $113,830, from Medtronic between 2013 and 2018.[81]

Alliance for Patient Access

Some tax-exempt organizations also proved to be helpful vehicles for opioid manufacturers to lobby the Federal government. One example is the Alliance for Patient Access (AfPA), an organization that describes itself as "a national network of physicians and other health care providers dedicated to ensuring patient access to approved therapies and appreciate clinical care."[82] In 2017, all of the AfPA's approximately $2 million in revenue was generated from contributions and grants, of which 90% were from pharmaceutical manufacturers.[83] Of these payments, three opioid makers accounted for 17% of contributions to the AfPA that year—Teva ($225,000), Mallinckrodt ($75,000), and Pfizer ($40,000). Opioid manufacturers have consistently made large contributions to the AfPA. Since 2012, the AfPA has received at least $2.1 million in payments from opioid manufacturers including AbbVie, Endo, Grunenthal, Mallinckrodt, Pfizer, Purdue and Teva.

Open Payments data further shows that opioid manufacturers' influence at the AfPA does not stop at direct payments to the organization. Doctors who sat on the organization's board of

[75] SFC_ACPA_0067, at SFC_ACPA_0069, 0077, 0089, 00102.
[76] *See also Opioid Induced Constipation*, AMERICAN CHRONIC PAIN ASSOCIATION, https://www.theacpa.org/pain-management-tools/surveys/oic/.
[77] *See* Kannan Sridharan, Gowri Sivaramakrishnan, *Drugs for Treating Opioid-Induced Constipation: A Mixed Treatment Comparison Network Meta-analysis of Randomized Controlled Clinical Trials*, J. OF PAIN AND SYMPTOM MANAGEMENT 55(22): 468-479 (2018), https://pubmed.ncbi.nlm.nih.gov/28919541/.
[78] *Drug Infusion Systems*, MEDTRONIC, https://www.medtronic.com/us-en/healthcare-professionals/products/neurological/drug-infusion-systems.html (last visited Nov. 27, 2020).
[79] SFC_ACPA_572, at SFC_ACPA_573-75, 593.
[80] *Intrathecal Medication Pumps*, AMERICAN CHRONIC PAIN ASSOCIATION, https://www.theacpa.org/pain-management-tools/videos/conditionstreatments/ (last viewed Nov. 27, 2020).
[81] *Open Payments Data, Physician Profile for David Provenzano*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/172676 (last viewed Nov. 27, 2020).
[82] Letter from Sam Dewey, Counsel, McDermott Will & Emery, on behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (July 29, 2019).
[83] AfPA Form 990 (2017). (On file with the Committee).

directors have received more than $5 million in payments from pharmaceutical manufacturers and device manufacturers, of which more than $1.9 million came from opioid makers.[84]

Since 2013, Director Srinivas "Sri" Nalamachu, alone, received nearly $1.7 million in payments from pharmaceutical companies, of which $792,000 came from opioid makers—Purdue ($231,000), Collegium Pharmaceutical ($148,000), Endo ($113,000), Insys ($103,000), Assertio ($81,000), Pernix Therapeutics ($63,000) and Teva ($53,000).[85] Similarly, Director Robin Dore received more than $2.1 million from pharmaceutical manufacturers since 2013, including $538,000 from opioid makers Pfizer ($286,000), AbbVie ($145,000), and UCB ($107,000).[86] Opioid makers also paid Director Jack Schim $271,000 and Howard Hoffberg $180,000.[87] As the AfPA and its board received millions of dollars from opioid makers, the organization lobbied executive branch agencies and Congress on legislation related to opioids.[88] The AfPA also joined other organizations funded by opioid manufacturers that sought to limit restrictions on opioid prescribing while promoting expanded use of so-called "abuse-deterrent formulations."

For example, in October 2014, Brian Kennedy, Executive Director of the AfPA, wrote to the National Institutes of Health (NIH) decrying the agency's focus on "the deleterious effects of treating pain with opioids" and urged the agency to explore "how untreated or under-treated pain affects patients and communities."[89] Mr. Kennedy also suggested examples of studies the NIH might consider, including how reducing access to opioid medications may lead to "consequences of restricting access for patients with legitimate medical need" and "higher rates of depression, increased risks of suicide, loss of productivity and restricted mobility that requires additional care for patients."[90] The letter pointed to the work of AfPA's "Pain Therapy Access Physicians Working Group,"[91] arguing that "undertreated pain may result in impaired concentration, which may in turn increase the risk of falls, fractures or motor vehicle injuries."[92] What went unsaid is that Pfizer paid the AfPA $125,000 to fund the working group from 2014 to 2018, and another $25,000 in 2012 to the Prescription Drug Abuse and Diversion Education Initiative, part of more than $300,000 the company had paid the AfPA.[93] The working group included Dr. Nalamachu and Bob Twillman, who held leadership positions at the American Academy of Pain Management (another group with strong ties to opioid manufacturers).

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[84] The majority of these payments overlapped with directors' time on AfPA's board. In some instances, it was not clear when some directors joined or left the board

[85] *Open Payments Data, Physician Profile for Srinivas Nalamachu*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/158026/general-payments (last viewed Dec. 3, 2020).

[86] *Open Payments Data, Physician Profile for Robin Kathleen Doore*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/209026/general-payments (last viewed Dec. 3, 2020).

[87] *Open Payments Data, Physician Profile for Howard Hoffberg*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/185850/general-payments (lasted viewed Dec. 3, 2020); *Open Payments Data, Physician Profile for Jack D. Schim*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/151945 (last viewed Dec. 3, 2020).

[88] AfPA_SFC_000193-241.

[89] *Id.* at AfPA_SFC_000233-34.

[90] *Id.*

[91] *See Pain Management Working Group*, AfPA, https://allianceforpatientaccess.org/pain (last viewed Dec. 2, 2012).

[92] AfPA_SFC_000193, at AfPA_SFC_000233-34.

[93] *Pfizer Medical, Scientific & Patient Education Grant Transparency*, PFIZER, https://www.pfizer.com/purpose/transparency/transparency-in-grants (last viewed Nov. 28, 2020).

In another example, on August 27, 2015, Dr. Nalamachu wrote to the FDA "on behalf of AfPA . . . in support of the oxycodone extended-release capsules for oral use submitted by Collegium Pharmaceuticals."[94] Dr. Nalamachu wrote that he had been an investigator for the Collegium drug and explained that the "efficacy of oxycodone is well established," and "further, those of us in pain medicine know how important extended-release formulations are for patients who require around-the-clock pain management."[95] The following year, Collegium Pharmaceuticals began making payments directly to Dr. Nalamachu, who would receive more than $148,000 from the company.[96]

Again, on March 5, 2018, AfPA co-signed a letter with several opioid manufacturers, including Purdue, Grunenthal GmbH, and Collegium Pharmaceuticals, and other tax-exempt organizations funded by opioid manufacturers, raising concerns about a CMS proposal to require prior authorization and dosage limits for abuse-deterrent opioids in Medicare Part D."[97] The letter highlighted diversion (the practice of transferring legally prescribed opioids to another person for illicit use) as a driver of the opioid epidemic, while sidestepping the fact that the U.S. has significantly higher rates of opioid prescribing when compared to other countries.[98] The coalition also told CMS that "increasing the availability of [abuse-deterrent] opioids represents a critical component of drug abuse prevention efforts," and repeatedly touted their benefits to patients even while acknowledging that "[o]pioids with abuse-deterrent properties are not abuse-proof and do not prevent or reduce the risk of addiction."[99] The coalition went on to urge CMS to "review plan formularies to ensure adequate access to [abuse-deterrent] opioids."[100] It was one of three letters AfPA sent with the coalition.[101] (Funders of the organization, including Pfizer, Teva, and Purdue, marketed opioids with abuse-deterrent label).

Finally, the AfPA manages a coalition called the Alliance for Balanced Pain Management, which it acquired from Mallinckrodt in 2016.[102] At the time of the acquisition, Mallinckrodt paid AfPA $200,000 to support the coalition and pay for an annual summit the coalition hosts.[103] The coalition, which was previously managed by Green Room Communications,[104] describes its mission as advocating "for balanced pain management by supporting organizations and individuals who share a common goal to reduce pain, reduce

[94] AfPA_SFC_000193, at AfPA_SFC_000232.
[95] *Id.*
[96] *Open Payments Data, Physician Profile for Srinivas Nalamachu*, OPENPAYMENTSDATA.CMS.GOV, https://openpaymentsdata.cms.gov/physician/158026/general-payments (last viewed Dec. 3, 2020).
[97] AfPA_SFC_000193-97.
[98] *See* Karim Ladha, et al., *Opioid Prescribing After Surgery in the United States, Canada, and Sweden*, JAMA Network (Sept. 4, 2019), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/ (An original investigation published in the JAMA Network, which concludes that the United States has the highest average dose of opioid prescriptions for most surgical procedures when compared to Canada and Sweden.).
[99] AfPA_SFC_000193-97.
[100] *Id.*
[101] AfPA_SFC_000193-205.
[102] Letter from the Samuel Dewey, Counsel, McDermott Will & Emery, on Behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (July 29, 2019). AfPA_SFC_000001-05.
[103] Letter from the Samuel Dewey, Counsel, McDermott Will & Emery, on Behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (Jan. 29, 2020).
[104] *Greenroompr.com*, https://www.greenroompr.com/ (last viewed Dec. 7, 2020).

medicine abuse and improve care."[105] Its members include patient groups such as American Chronic Pain Foundation and the U.S. Pain Foundation, which have strong financial links to opioid manufacturers, and is led by a steering committee that includes several individuals who have received roughly $480,000 from opioid manufacturers, according to CMS's Open Payments data.[106] The AfPA also told the Committee that the coalition includes industry members, but did not identify them, and further noted that "Mallinckrodt's representative joined periodic membership calls and had an opportunity to review the Alliance for Balanced Pain Management's educational materials in response to a group invitation for feedback."[107] However, the AfPA stated that it maintains sole discretion to determine the coalition's "advocacy efforts, annual summit events, and educational materials."[108] According to the AfPA, these efforts have explored "issues such as the value of multimodal analgesia—an opioid-sparing approach to surgical pain, technology-based solutions for treating pain in patients who've battled opioid addiction, and the value of non-pharmacologic interventions like physical therapy, chiropractic care, and yoga."[109]

International Association for the Study of Pain

Between 2012 and 2018, fifteen opioid makers paid the International Association for the Study of Pain (IASP) more than $4 million. These funds were used to support conferences the organization hosted, such as the World Congress on Pain, the International Symposium on Pediatric Pain, the International Congress on Neuropathic Pain, special interest group meetings, and various grants for activities such as the development of a tool to connect "healthcare professionals with access to independently created online education."[110] During this time period, Pfizer was the largest of these contributors, making payments of more than $1.3 million to IASP, the majority of which were made in the form of grants in 2018. Other opioid manufacturers that made major payments included subsidiaries and affiliates of Mundipharma, (making more than $1 million in payments combined),[111] Teva ($627,000, of which $300,000 was made in 2018)[112] and Allergan ($161,000). Two Grunenthal entities, and a third party connected to the company, also paid IASP $601,000 during this time period.

[105] Letter from the Samuel Dewey, Counsel, McDermott Will & Emery, on Behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (Jan. 29, 2020). *About AfBPM*, ALLIANCE FOR BALANCED PAIN MANAGEMENT, https://alliancebpm.org/events/ (last viewed Nov. 28, 2020).
[106] Letter from the Samuel Dewey, Counsel, McDermott Will & Emery, on Behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (Jan. 29, 2020).
[107] Letter from the Samuel Dewey, Counsel, McDermott Will & Emery, on Behalf of the Alliance for Patient Access, to Senator Grassley and Senator Wyden (July 29, 2019).
[108] *Id.*
[109] *Id.*
[110] IASP Submission Question 2 Attachment – Accounting Report. (On file with the Committee).
[111] IASP reported receiving payments during the 2012-2018 period from Mundipharma International (UK). Mundipharma International Ltd., Mundipharma Pte, Mundipharma Pte Limited, MundiPharma PTY (Australia), and Mundipharma Research GmbH.
[112] The organization reported to the Committee that it received $147,550 in payments from Teva in 2018. However, it reported receiving $300,230 from Teva that year on its IRS Form 990. (On file with the Committee).

Pfizer, which as noted above manufactures two extended-release prescription opioids that the FDA designated as "abuse-deterrent,"[113] made payments of nearly $4 million to various pain-related tax-exempt organizations, according to payments reviewed by the Committee.[114] The largest share of these funds went to IASP. For example, Pfizer provided a $527,000 education grant to the Japan chapter of the IASP in 2018.[115] (This was the single largest payment to IASP from any company during the 2012-2018 time period). The grant was intended to fund nursing student pain education programs, publish medical school textbooks on pain, and develop a recurrent educational program for physical and occupational therapists.[116] That grant was part of $918,000 the organization received from Pfizer that year.

IASP's activities also suggest that opioid manufacturers are engaging in the same pattern of behavior in Asia and Europe. One such initiative is the World Congress on Pain. Opioid manufacturers have made more than $2 million in payments to IASP in connection with the last four conferences, which in recent years have been held in Boston, Massachusetts (2018), Yokohama, Japan (2016), Buenos Aires, Argentina (2014), and Milan, Italy (2012).[117] The meeting is advertised as the preeminent global meeting devoted to sharing new developments in pain research, treatment, and education, and attendees are predominantly clinicians, researchers, students, and educators.[118] Each year, opioid manufacturers have made payments to fund the World Congress events, accounting for up to 16% of the conferences' total expenses.[119]

In addition to its global conferences, IASP has also developed region-specific programs to advance the availability and accessibility of opioids. In 2018, Pfizer made a payment of approximately $190,000 to a program titled, "Develop, Equip, and Pilot: Guide for Multidisciplinary Pain Clinics in South East Asia Project."[120] Other programs like "IASP Pain Management Camp" are intensive courses that are designed to provide "information targeted to the educational and organizational aspects of health-care services for pain management" for health care professionals who want to start pain services or are already working with patients with chronic pain.[121] IASP's Latin America Pain Camp received $25,000 from Grunenthal in

[113] Press Release, Pfizer, FDA Approves Abuse Deterrent Labeling For Embeda ® (Morphine Sulfate and Naltrexone Hydrochloride) Extended-Release (ER) Capsules CII, (Oct. 17, 2014), https://www.pfizer.com/news/press-release/press-release-detail/; Press Release, Pfizer, FDA Approves Troxyca ® (Oxycodone Hydrochloride and Naltrexone Hydrochloride) Extended-Release Capsules CII with Abuse-Deterrent Properties for the Management of Pain, Pfizer (Aug. 19, 2016), https://www.pfizer.com/news/press-release/.

[114] Based on IASP's Form 990s collected during this investigation. (On file with the Committee).

[115] IASP Submission Question 2 Attachment – Accounting Report. *See also Pfizer Independent Grants for Learning & Change (IGLC)*, INTERNATIONAL ASSOCIATION FOR THE STUDY OF PAIN, https://www.iasp-pain.org/Education/GrantDetail.aspx?ItemNumber=7756 (last viewed Nov. 28, 2020).

[116] According to IASP, "Pfizer has no influence over any aspect of the projects and only asks for reports about the results and the impact of the projects in order to share them publicly." *See Pfizer Independent Grants for Learning & Change (IGLC)*, IASP, https://www.iasp-pain.org/Education/GrantDetail.aspx?ItemNumber=7756 (last viewed Dec. 8, 2020).

[117] *Past Congresses*, IASP, https://www.iasp-pain.org/Meetings/WorldCongressList.aspx (last viewed Nov. 28, 2020).

[118] About the IASP World Congress on Pain, IASP, https://www.iaspworldcongress.org/attend (last viewed Dec. 8, 2020).

[119] IASP Form 990 (2012-2018). (On file with the Committee.).

[120] IASP Submission Question 2 Attachment – Accounting Report. (On file with the Committee).

[121] *Latin American Pain Management Camp Leaves Students Smiling*, INTERNATIONAL ASSOCIATION FOR THE STUDY OF PAIN (Nov. 2014), https://www.iasp-pain.org/PublicationsNews/IASPNewsletterArticle.aspx?ItemNumber=4009.

2014 and, three years later, received a payment of $87,000 from Teva to support the "independent development and execution" of the event.[122] In a similar vein, IASP also offers "pain schools" which are held in North America and Europe, which serve as longer version of the camp program. Sponsors to the North American Pain School include Grunenthal, Eli Lilly, the Mayday Fund, and the American Pain Society.[123]

Documents provided to the Committee also show that from 2012 to 2019, the IASP received a total of $1 million from Mundipharma, a global affiliate of Purdue owned by the Sackler family.[124] This funding has gone towards World Congress on Pain events and special interest group meetings held all over the world.[125] Mundipharma has reportedly been distributing marketing materials for OxyContin in places like China, Australia, and Italy, and is using the same pitch that Purdue admitted was false in the U.S. more than a decade ago.[126] For instance, Mundipharma allegedly provided physicians with documents that claimed the risks of opioid addiction were "virtually non-existent and that OxyContin's slow-release formulation made it even safer."[127] Mundipharma is also allegedly targeting China with aggressive sales teams who provide gift cards, complementary dinners, all-expense paid trips to meetings, and compensated speaking events to push opioid prescriptions.[128]

Conclusion

While we continue to evaluate the information produced to the Committee, our initial review has revealed troubling instances in which patient advocacy groups, provider groups, and other tax-exempt organizations, their officers, and their board members have engaged in initiatives that appear to echo and amplify messages to increase use of opioid manufacturers' drugs, including abuse-deterrent opioids that have not been proven to be any less addictive than other types opioids.[129]

Consumers, health care providers, and policymakers seeking unbiased information may not immediately recognize the significant industry ties these groups possess, especially when they are cited as resources on Federal health websites,[130] testify before Congress,[131] and have

[122] IASP Submission Question 2 Attachment – Accounting Report. (On file with the Committee).
[123] *Sponsors, Organizers and Supporters*, NORTH AMERICAN PAIN SCHOOL, https://northamericanpainschool.com/ (last viewed Nov. 28, 2020).
[124] IASP Submission Question 2 Attachment – Accounting Report. (On file with the Committee).
[125] *Id.*
[126] Erika Kinetz, *Fake Doctors, pilfered medical records drive Oxy China Sales*, ABC NEWS (Nov. 20, 2019), https://abcnews.go.com/Business/wireStory/fake-doctors-misleading-claims-drive-oxycontin-china-sales-67154163.
[127] *Id.*
[128] *Id.*
[129] *Abuse-Deterrent Opioids Analgesics*, FOOD & DRUG ADMINISTRATION, https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/abuse-deterrent-opioid-analgesics (last updated June 11, 2019). (Here the FDA acknowledges that ADFs are not addiction proof, and highlights that it is requiring manufacturers with ADF labeling claims to conduct post-market studies to determine the real world impact of their products). *Id.*
[130] *See Resources/References, NIH Pain Consortium – COEPEs*, NIH https://coepes.nih.gov/update/join-pain-policy-analysis-and-advocacy/resources/references (lasted viewed Nov. 28, 2020).
[131] *Managing Pain During the Opioid Crisis, Hearing Before the S. Comm. Health, Education, Labor & Pension, 116th Cong.* (Feb. 2019), https://www.help.senate.gov/hearings/managing-pain-during-the-opioid-crisis.

officers that sit on Federal advisory boards.[132] This is why the Committee is releasing the financial information collected during the 2012 investigation, in addition to data collected over the past two years, because we remain concerned that the opioid epidemic was driven, in part, by misinformation and dubious marketing practices used by pharmaceutical companies and the tax-exempt groups they fund.

Congress must continue to shed light on pharmaceutical and medical device manufacturers' financial dealings with tax-exempt organizations. While such financial entanglements are of particular concern in regards to opioids, given their danger and addictive potential, such funding and influence is not limited to this therapeutic class.[133] This investigation clearly shows that such payments are viewed as key marketing and policy influencing tools, which, in the case of opioids, contributed to addiction, sickness, and death for millions of Americans. Therefore, Congress must continue to advocate for stronger safeguards within tax-exempt organizations and within the Federal government. Steps we recommend taking:

1. Expand CMS's Open Payments database to require pharmaceutical manufacturers and device manufacturers to report payments made to tax-exempt organizations.

2. Require the Secretary of HHS to develop guidelines and procedures to increase transparency among members of Federal task forces, as well as research groups and panels convened or contracted by HHS.

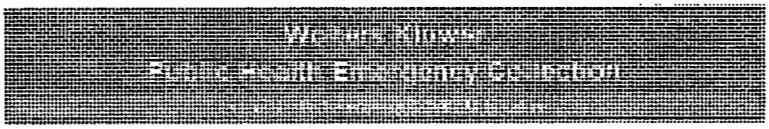
In the next Congress, we plan to continue our work on these important issues and we encourage my colleagues to do the same.

Charles Grassley
Chairman
Senate Finance Committee

Ron Wyden
Ranking Member
Senate Finance Committee

[132] e.g., the FDA's advisory committee on analgesics, which evaluate the safety of opioids includes Kevin Zacharoff who sat on the ASPE board, and Lonnie Zeltzer who was the APS and APF boards. *See Anesthetic and Analgesic Drug Products Advisory Committee Roster*, FDA, https://www.fda.gov/advisory-committees/anesthetic-and-analgesic-drug-products-advisory-committee/anesthetic-and-analgesic-drug-products-advisory-committee-roster (last viewed Dec. 10, 2020).

[133] *See Drug Pricing in America: A Prescription for Change, Part II: Hearing Before S. Comm. Fin.* 116th Cong. at 70, 147, 477, 529, 716 (2019), https://www.finance.senate.gov/imo/media/doc/37143.pdf. *See also* Alex Ruoff, *AbbVie, Bristol-Myers Among Patient Advocacy Groups' Big Backers*, BLOOMBERG, https://about.bgov.com/news/abbvie-bristol-myers-among-patient-advocacy-groups-big-backers/.



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Disciplining Physicians Who Spread Medical Misinformation

Y. Tony Yang, ScD, LLM, MPH✉ and Sarah Schaffer DeRoo, MD, MA

The combination of the rapidly evolving COVID-19 landscape and the widespread use of social media has created the perfect storm for viral dissemination of misinformation, leaving the health community struggling to communicate evidence-based guidance in a broad and timely fashion. Exacerbating this problem is a minority of health care professionals who promote falsehoods about COVID-19 and have thereby brought renewed focus to concerns about medical misinformation and the rights and responsibilities of health care professionals to communicate accurate, evidence-based information. Recently, there have been increasing calls in the medical community, including from the Federation of State Medical Boards (FSMB)[1] and professional certification boards such as the American Boards of Family Medicine (ABFM), Internal Medicine (ABIM), and Pediatrics (ABP),[2] to revoke the licenses and board certifications of physicians who promulgate medical misinformation, whose harmful claims tend to receive disproportionate attention based on their professional status. There have been reports of physicians refuting now widely accepted preventive measures, such as masking and vaccines, contrary to ample evidence supporting their efficacy.[3] In addition, a small but vocal number of physicians continue to tout the benefits of now discredited treatments, such as ivermectin, which not only fail to successfully treat COVID-19 infection but may also put patients at risk.[4,5]

Lessons learned from vaccine hesitancy research can help inform the dangers of physician spread misinformation, as vaccination is now the most important COVID-19 preventive measure available. Decades of research have consistently demonstrated that a strong physician recommendation is among the most important drivers of vaccine acceptance and uptake,[6] and early surveys suggest that the same is true for COVID-19 vaccination.[7,8]

Medical Boards and Disciplinary Proceedings

Physicians generally enjoy the privileges and responsibilities of self-regulation, but state medical boards provide oversight to ensure that rules are followed. The structure and authority of medical boards vary from state to state. Most boards are independent and maintain all licensing and disciplinary powers, while some are part of a larger umbrella agency such as a state department of health. For example, discipline against physicians accused of misconduct in New York is housed within the state Health Department's Office of Professional Medical Conduct.[9] Each state's Medical Practice Act prohibits physicians from engaging in "unprofessional conduct." While states define unprofessional conduct differently, it is the most common reason for physician disciplinary action related to professionalism.[10]

Some state laws authorize disciplinary action against physicians who make false, deceptive, or misleading statements to the public. Generally, these laws apply only to statements made in connection with advertising, but some are worded broadly enough to apply in additional contexts.[11] Among the cases pursued by medical boards, none have imposed serious penalties against physicians thought to be spreading misinformation (Table).[12]

TABLE 1

Examples of Actions by State Medical Boards Against Physician Spreading Misinformation

State/Year	Case	Result
Illinois/2004	A complaint filed against a physician based on an online publication of "false and potentially harmful medical advice."	Voluntarily dismissed after the physician modified his Web site and stopped treating patients.
Arizona/2015	Investigation into a physician for anti-vaccine messages.	Investigation closed because none of the individuals who filed complaints against the physician had alleged problems with his "actual medical care."
Oregon/2020	Action against an "anti-mask" physician.	License suspension based on the physician's failure to comply with masking requirements in the treatment of patients, not statements made in public settings.
Georgia/2020	A complaint accusing a physician of publicly spreading false COVID-19 information.	No violation determined.
Texas/2021	A complaint of a physician spreading misinformation about hydroxychloroquine as COVID-19 treatment	The physician was fined $500 for failing to explain harmful side effects to the patient upon prescription of hydroxychloroquine.

Disciplinary proceedings can be lengthy and challenging in nature. It is also not clear whether physicians —who are not government officials—have any legal obligation to promote public health, despite ethical and professional obligations.

Disciplining a physician who spreads misinformation is a judgment on the physician's competency. Professional governing bodies—including state medical boards—promulgate rules and standards by which members must abide. The right to practice medicine is a privilege granted by the state. If a physician intentionally spreads misinformation that puts the public at risk, the medical board has a duty to act.

Constitutionality and Concerns

Physicians have the right to free speech that prohibits government restriction, even if the content is false. But freedom of speech is not absolute. The Supreme Court has determined that there are 3 types of speech restrictions: *content-based*, *commercial*, and *professional*.[13] Depending on the speech's nature, courts will apply varying levels of scrutiny when considering a ruling.

State medical board disciplinary proceedings against physicians disseminating misinformation can be considered *content-based* restrictions. A content-based restriction "discriminates against speech based on the substance of what it communicates."[14] Content-based restrictions are presumptively unconstitutional and are only valid if the state shows that they are the least restrictive means of achieving a compelling state interest.

The arguments for disciplinary proceedings generally emphasize the potential harms to public health. But this is likely not enough to achieve constitutionality, because the state can mitigate the harm by disseminating factually accurate messages.

Many of the physicians implicated in the dissemination of misinformation have done so without offering anything for sale. In these cases, the commercial speech doctrine and its lower scrutiny do not apply.[11] But even if the speech contemplates a transaction, "courts have demonstrated increasing reluctance to regulate commercial speech, emphasizing the rights of speakers rather than the state's interests in the health and welfare of community members."[13]

The *professional speech* doctrine has been applied by several federal appellate courts to limit the free speech rights of physicians or therapists. Some circuit courts have decided that when dispensing professional advice, physicians are entitled to less stringent First Amendment protections. According to the Ninth Circuit, while medical treatments require speech, a physician's speech in that context concerns treatment less than speech about public issues.15 In 2018, the Supreme Court upheld a California statute requiring licensed "crisis pregnancy centers" (which discourage women from seeking abortions) to notify women that California provided free and low-cost services including abortions.11 While the case may support the notion of the professional speech doctrine, it likely is not broad enough to cover speech entirely unrelated to practicing medicine, which is generally defined as providing a diagnosis or treatment to individual patients. When physicians make public statements about medical matters, they are not speaking to an individual patient.

Another important consideration is the concern about punishing physicians who stray from medically accepted standards when they believe the standard of care is misguided. Those physicians might be leery of expressing their thoughts if a state medical board could discipline against their opposing statements. This is especially concerning when guidance from public health officials change along the course of an evolving public health scenario. One notable example was Dr Anthony Fauci's opinion early in the COVID-19 pandemic that masking was not required. Since then, as evidence of COVID-19's transmissibility was augmented, masking became a clear emphasis.

However, formal professional channels exist for refuting widely accepted medical information—namely, through peer-reviewed publications. The peer-review process helps ensure the scientific rigor of the information presented and attempts to prevent low-quality information from reaching the scientific community.16 By subjecting their studies to the scrutiny of peer revisions, physicians who disagree with current medical standards have an avenue not only for expressing their dissent but also for sharing the evidence to support it, as well as a platform for public dissemination if accepted.

There is ample evidence of the so-called "medical reversals"17 that exemplify the power of the peer-review process. In the late 1980s, a group of drugs once widely considered essential for the prevention of sudden cardiac arrest following myocardial infarction was found to increase patients' mortality risk when compared with placebo.18 More recent examples include rejecting the practice of prescribing hormone replacement therapy for postmenopausal women and allergen avoidance for children at high risk of peanut allergy.

Potential Solution

Despite constitutional limitations, one solution draws on established disciplinary guidelines against lawyers who spread knowing or reckless falsehoods. Under this standard, a state medical board could discipline a physician who *knowingly* spreads medical misinformation (ie, spreads disinformation) or spreads misinformation despite having serious doubts that the information is true (ie, spreads information *recklessly*). In the legal profession, knowingly or recklessly spreading falsehoods is evidence of the lawyer's "fitness to practice" and as such warrants disciplinary action against the lawyer.

Within this framework, a state medical board would have to prove 2 things. First, the information spread was false. Second, the physician acted knowingly or recklessly. While medical knowledge is ever-evolving, some positions in the medical community have been accepted as factual cornerstones, such as the widely and roundly refuted suggestion that vaccines contribute to autism. Proving the physician's knowing or reckless mental state would require proving that the defendant acted with "actual malice"—that is "with knowledge that it was false or with reckless disregard of the statement's validity."

Proving malice does not require direct evidence of intent to deceive; rather, it can be established by evidence that statements were "fabricated," "the product of imagination," or "so inherently improbable that only a reckless man would have put them into circulation." A state medical board could prove a physician's actual malice by showing that his or her statements contradicted a settled medical consensus *and* were based on unverifiable sources or no evidence at all. This combination would allow the board to determine that a physician could not—in good faith—believe the unsupported statements when all responsible medical authorities have rejected those same statements.

Conclusion

Disseminating health misinformation has only become easier in today's world of social media. Many have taken the position that state medical boards should act against physicians spreading misinformation regarding COVID-19 vaccines and other mitigation strategies. However, disseminating misinformation via social media is not the same as treating an individual patient. As such, physicians disseminating harmful misinformation are afforded constitutional protections. And while this may be harmful to society in the context of COVID-19, allowing physicians to challenge medically accepted standards has resulted in "medical reversals" of these standards throughout history. So, any limitations on physicians' speech must be narrowly tailored. Requiring state medical boards to prove that physicians are knowingly or recklessly spreading misinformation strikes the right balance.

Footnotes

The authors declare no conflicts of interest.

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RAPID SPREAD —

COVID outbreak at CDC gathering infects 181 disease detectives

Nearly all of the attendees were vaccinated, but 70% said they didn't mask.

BETH MOLE - 5/30/2023, 1:03 PM

Getty | Bloomberg

Enlarge / The Centers for Disease Control and Prevention (CDC) headquarters stands in Atlanta, Georgia, on Saturday, March 14, 2020.

The tally of COVID-19 cases linked to a conference of disease detectives hosted by the Centers for Disease Control and Prevention in April has reached at least 181, the agency reported.

Roughly 1,800 gathered in person for this year's annual Epidemic Intelligence Service (EIS) Conference, which was held on April 24 to 27 in a hotel conference facility in Atlanta, the city where the CDC's headquarters are located. It was the first time the 70-year-old conference had in-person attendees since 2019. The CDC agency estimates an additional 400 attended virtually this year.

FURTHER READING
Disease detectives gathered at CDC event—a COVID outbreak erupted

By the last day of the event, a number of in-person attendees had reported testing positive for COVID-19, causing conference organizers to warn attendees and make changes to reduce the chance of further spread. That reportedly included canceling an in-person training and offering to extend the hotel stays of sick attendees who needed to isolate.

But in the days that followed, the CDC received reports of more cases, and it teamed up with the Georgia Department of Public Health to carry out a rapid assessment. As of May 2, the agency had tallied 35 cases linked to the conference.

The agency highlighted that none of the infected conference attendees were hospitalized, though 49 respondents (27 percent) reported taking antiviral medications for their infection.

"[T]he findings of this rapid assessment support previous data that demonstrate that COVID-19 vaccines, antiviral treatments, and immunity from previous infection continue to provide people with protection against serious illness," the agency wrote. "CDC continues to recommend that everyone ages six months and older stay up to date with all COVID-19 vaccines, including receiving an updated vaccine."

Still, according to an advisory seen by The Washington Post, the CDC is warning attendees of an upcoming conference the agency is holding at the same hotel venue in June about the outbreak at the event in April. The CDC is encouraging attendees of the June event to wear their "own high-quality masks and, if possible, also carry COVID-19 rapid tests with them." Spokesperson Kristen Nordlund said that the agency will also have masks on hand.

READER COMMENTS 198

BETH MOLE
Beth is Ars Technica's Senior Health Reporter. Beth has a Ph.D. in microbiology from the University of North Carolina at Chapel Hill and attended the Science Communication program at the University of California, Santa Cruz. She specializes in covering infectious diseases, public health, and microbes.

Unsolved Mysteries Of Quantum Leap With Donald P. Bellisario

Today "Quantum Leap" series creator Donald P. Bellisario joins Ars Technica to answer once and for all the lingering questions we have about his enduringly popular show. Was Dr. Sam Beckett really leaping between all those time periods and people or did he simply imagine it all? What do people in the waiting room do while Sam is in their bodies? What happens to Sam's loyal ally Al? 30 years following the series finale, answers to these mysteries and more await.

Warhammer 40K With Author Dan Abnett

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ROLE OF DEFENDANT FEDERATION STATE MEDICAL BOARDS IN OPIATE EPIDEMIC DEATHS

EXHIBIT 5 - 6

Exhibit 5

United States Senate
COMMITTEE ON FINANCE
WASHINGTON, DC 20510–6200

May 8, 2012

Dr. Humayun J. Chaudhy
President and Chief Executive Officer
Federation of State Medical Boards
400 Fuller Wiser Road, Suite 300
Euless, TX 76039

Dear Dr. Chaudy:

As Chairman and a senior member of the Senate Finance Committee, we have a responsibility to the more than 100 million Americans who receive health care under Medicare, Medicaid, and CHIP. As part of that responsibility, this Committee has investigated the marketing practices of pharmaceutical and medical device companies as well as their relationships with physicians and non-profit medical organizations.

It is clear that the United States is suffering from an epidemic of accidental deaths and addiction resulting from the increased sale and use of powerful narcotic painkillers such as Oxycontin (oxycodone), Vicodin (hydrocodone), and Opana (oxymorphone). According to CDC data, "more than 40% (14,800)" of the "36,500 drug poisoning deaths in 2008" were related to opioid-based prescription painkillers.[1] Deaths from these drugs rose more rapidly, "from about 4,000 to 14,800" between 1999 and 2008, than any other class of drugs,[2] and now kill more people than heroin and cocaine combined.[3] More people in the United States now die from drugs than car accidents as a result of this new epidemic.[4] Additionally, the CDC reports that improper "use of prescription painkillers costs health insurers up to $72.5 billion annually in direct health care costs."[5]

In Montana, prescription drug abuse is characterized by the state's Department of Justice as an "invisible epidemic" killing at least 300 people per year and contributing to increases in

[1] Center for Disease Control, "Drug Poisoning Deaths in the United States, 1980-2008, NCHS Data Brief, No. 81, December 2011 at http://www.cdc.gov/nchs/data/databriefs/db81.pdf.
[2] Id.
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[5] International Business Times, "Prescription Painkiller Overdoses Cost Insurers $72.5 Billion Yearly: CDC," November 3, 2011 at http://www.ibtimes.com/articles/242437/20111103/prescription-painkiller-overdoses-cost-insurers-72-5.htm.

addiction and crime.[6] The University of Montana Bureau of Business and Economic Research estimated that prescription drug abuse is costing the state $20 million annually in additional law enforcement, social services, and lost productivity.[7]

In Iowa, "the use of opioid painkillers such as hydrocodone and oxycodone has increased dramatically in the last decade," according to the Governor's Office of Drug Control Policy. Annual overdose deaths from opioids "increased more than 1,233% from 3 deaths in 2000 to 40 deaths in 2009."[8] Data from Iowa's prescription drug monitoring program demonstrates that in 2010, 89,500,000 doses of hydrocodone and oxycodone were prescribed totaling nearly 40% of all controlled substance prescriptions.[9]

Concurrent with the growing epidemic, the *New York Times* reports that, based on federal data, "over the last decade, the number of prescriptions for the strongest opioids has increased nearly fourfold, with only limited evidence of their long-term effectiveness or risks" while "[d]ata suggest that hundreds of thousands of patients nationwide may be on potentially dangerous doses."[10]

There is growing evidence pharmaceutical companies that manufacture and market opioids may be responsible, at least in part, for this epidemic by promoting misleading information about the drugs' safety and effectiveness. Recent investigative reporting from the *Milwaukee Journal Sentinel/MedPage Today* and *ProPublica* revealed extensive ties between companies that manufacture and market opioids and non-profit organizations such as the American Pain Foundation, the American Academy of Pain Medicine, the Federation of State Medical Boards, the University of Wisconsin Pain and Policy Study Group, and the Joint Commission.

According to the *Milwaukee Journal Sentinel/MedPage Today*, a "network of national organizations and researchers with financial connections to the makers of narcotic painkillers…helped create a body of dubious information" favoring opioids "that can be found in prescribing guidelines, patient literature, position statements, books and doctor education courses."[11] Specifically, the *Sentinel* reported that the Federation of State Medical Boards, with financial support from opioid manufacturers, distributed more than 160,000 copies of a model policy book that drew criticism from doctors because "it failed to point out the lack of science supporting the use of opioids for chronic, non cancer pain."[12]

Although it is critical that patients continue to have access to opioids to treat serious pain, pharmaceutical companies and health care organizations must distribute accurate information about these drugs in order to prevent improper use and diversion to drug abusers.

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[6] See the Montana Department of Justice website at http://doj.mt.gov/prescriptionabuse/.
[7] Bureau of Business and Economic Research, "The Economic Cost of Prescription Drug Abuse in Montana", June 2011 at http://mbcc.mt.gov/PlanProj/Projects/PDMP/Prescription%20Drug%20Abuse%2020110629.pdf.
[8] Iowa Governor's Office of Drug Control Policy, "Iowa Drug Control Strategy: 2012," November 1, 2011 at http://www.iowa.gov/odcp/drug_control_strategy/Strategy2012.Final.pdf
[9] Id.
[10] NY Times, "Tightening the Lid on Pain Prescriptions," April 8, 2012 at http://www.nytimes.com/2012/04/09/health/opioid-painkiller-prescriptions-pose-danger-without-oversight.html.
[11] Milwaukee Journal Sentinel/MedPage Today, "Follow the Money: Pain, Policy, and Profit," February 19, 2012 at http://www.medpagetoday.com/Neurology/PainManagement/31256.
[12] Id.

As part of our effort to understand the relationship between opioid manufacturers and non-profit health care organizations, please provide the following information:

1) Provide a detailed account of all payments/transfers received from all organizations that develop, manufacture, produce, market, or promote the use of opioid-based drugs from 1997 to the present. For each payment identified, provide:
    i. Date of payment
    ii. Payment description (CME, royalty, honorarium, research support, etc.)
    iii. Amount of payment
    iv. Year end or year-to-date payment total and cumulative total payments for each organization or individual.
    v. For each year a payment was received, the percentage of funding from organizations identified above relative to total revenue.

2) Identify any grants or financial transfers used to fund the production of the book, "Responsible Opioid Prescribing" by Dr. Scott M. Fishman. Provide the date, amount, and source of each grant.

3) How much revenue was generated by sales of "Responsible Opioid Prescribing?" Provide amounts by year, state, and total.

4) List each state that has distributed copies of "Responsible Opioid Prescribing" and the number of copies distributed.

5) Provide the names of any people or organizations, other than Federation of State Medical Boards employees or Dr. Scott M. Fishman, involved in writing or editing the content of "Responsible Opoid Prescribing."
    i. For each person or organization identified, list any financial transfers between the identified person or organization and the Federation of State Medical Boards.
    ii. For each individual or organization identified, provide a description of the involvement.

6) Please identify the name, job title, job description, and dates employed of any Federation of State Medical Boards employees who worked on distributing this book.

In cooperating with the Committee's review, no documents, records, data, or other information related to these matters, either directly or indirectly, shall be destroyed, modified, removed, or otherwise made inaccessible to the Committee.

We look forward to hearing from you by no later than June 8, 2012. All documents responsive to this request should be sent electronically, on a disc, in searchable PDF format to

my staff. If you have any questions, please do not hesitate to contact Christopher Law with Senator Baucus at (202) 224-4515 or Erika Smith with Senator Grassley at (202) 224-5225.

Sincerely,

Charles E. Grassley
Senator

Max Baucus
Chairman

Exhibit 6

DECEMBER 16,2020

Wyden, Grassley Call for Greater Drug Industry Transparency in Report Exposing Opioid Makers' Ties to Tax-Exempt Groups

Bipartisan Investigation Identifies $65 million in Payments Made to a Handful of Groups Focused on Pain Issues by Manufacturers of Opioids and Opioid-Related Products

Washington, D.C. – Senate Finance Committee Ranking Member Ron Wyden, D-Ore., and Chairman Chuck Grassley, R-Iowa, today issued a report to committee colleagues illuminating the extensive connections between opioid manufacturers and opioid-related products, and tax-exempt entities that have helped drive up sales while downplaying the risks of opioid addiction.

In June 2019, the senators sent letters requesting and collecting financial data including grant contracts, audits and IRS Form 990s from 10 tax-exempt groups working on pain issues, along with information about their advocacy activities, and the advocacy activities of their officers and board members. Using this data, the Finance Committee leaders exposed the financial relationships between opioid manufacturers and these organizations in a detailed letter to their committee colleagues that:

- Identified $65 million in payments from manufacturers of opioids and opioid-related products (for example, therapies to treat opioid use disorder, opioid overdoses, or opioid-induced constipation) to such groups since 1997, including nearly $30 million since

amplified the business interests of their pharmaceutical donors.

Wyden and Grassley found that these opioid manufacturers viewed these tax-exempt organizations as helpful extensions of their sales and marketing efforts. Based on the investigation and their findings, the senators make two recommendations to improve transparency:

- Expand CMS's Open Payments database to require pharmaceutical manufacturers and device manufacturers to report payments made to tax-exempt organizations;
- Require the Secretary of HHS to develop guidelines and procedures to increase transparency among members of Federal task forces, as well as research groups and panels convened or contracted by HHS.

"**Our bipartisan investigation shows how pharmaceutical companies use tax-exempt groups to help seed the market for their products by shaping the views of patients, doctors and policymakers,**" said Wyden. "**The potential dangers presented by opioids makes this Trojan horse-style of marketing particularly troubling, but make no mistake that such practices are widespread across the pharmaceutical industry, and consumers are often left in the dark. I look forward to working with Senator Grassley and our Finance Committee colleagues to pass into law important reforms that provide consumers with more visibility of the financial relationships between drug companies and tax-exempt organizations.**"

"**Tax-exempt advocacy organizations like the ones we looked at are created with good intentions. They can be forces for good, advocating and highlighting issues that might not otherwise receive the warranted attention,**" said Grassley. "**But we've found that the possibility of donor influence could and has undermined the efforts to develop and advocate good policy. When it comes to opioids, we need to make sure there is transparency and accountability to prevent what, in this case, led to serious public misunderstanding of the risks of these highly addictive drugs.**"

opioid manufacturers paid to tax-exempt groups like the American Pain Foundation and American Pain Society. In the years leading up to that investigation, those groups made claims like "most pain sufferers are under-medicated" and "many [physicians] are reluctant to prescribe opioids because they mistakenly think their patients will become addicted to the drug..." Wyden has also repeatedly raised concerns regarding financial ties of pain groups with opioid manufacturers.

The full text of the report is available here.

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Recent News

04/26/23 Wyden Statement on House Passage of McCarthy Debt Ransom Bill

04/26/23 Wyden Announces Finance Committee Hearing on Reducing the Prevalence of Ghost Networks

04/25/23 Wyden Reintroduces Legislation Requiring Presidents and Presidential Nominees to Publicly Release Tax Returns

04/24/23 Wyden Letter to Harlan Crow Seeks Complete Account of Gifts to Justice Clarence Thomas

04/20/23 Wyden, Crapo Release Legislative Framework to Address PBMs, Prescription Drug Supply Chain

JUDICIAL AND PUBLIC CORRUPTION

EXHIBIT 7 - 13

Exhibit 7

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

M.D. RICHARD ARJUN KAUL, et al.,

Plaintiffs,

-against-

INTERCONTINENTAL EXCHANGE, et al.,

Defendants.

23-cv-02016 (JLR) (OTW)

OPINION AND ORDER

JENNIFER L. ROCHON, United States District Judge:

Plaintiffs M.D. Richard Arjun Kaul ("Kaul") and David Basch ("Basch", and together with Kaul, "Plaintiffs") bring this suit against Intercontinental Exchange, GEICO Insurance Company ("GEICO"), TD Bank, Allstate Insurance Company ("Allstate"), Federal State Medical Boards ("FSMB"), Arthur Hengerer, Christopher J. Christie, Daniel Stolz, Atlantic Health System ("AHS"), Robert Heary, Philip Murphy, Gurbir Grewal, Rivkin Radler Law Firm, Max Gersenoff, and unidentified John Doe and Jane Doe defendants (collectively, "Defendants"). Plaintiffs allege that Defendants engaged in a scheme in violation of the Racketeer Influenced and Corrupt Organizations Act ("RICO") that resulted in the revocation of Kaul's medical license. *See generally* ECF No. 1 ("Compl."). For the following reasons, the Court dismisses the Complaint in its entirety with prejudice.

BACKGROUND

I. Filing History

"In March 2014, the New Jersey State Board of Medical Examiners . . . revoked [Kaul's] medical license" for performing spine surgeries without "proper training and experience." *Kaul v. Christie*, 372 F. Supp. 3d 206, 215, 221 (D.N.J. 2019) (describing disciplinary proceedings

that addressed Kaul's operations on eleven patients that "placed the public in clear and imminent danger" (alterations adopted)). In response, Kaul filed lawsuits around the country alleging that various lawyers, hospitals, insurance companies, and media figures conspired to make an example of him and cause public officials to bar him from practicing medicine in New Jersey. *See Kaul v. Intercontinental Exch.* ("*Kaul* 2021"), No. 21-cv-06992 (JPO), 2022 WL 4133427, at *1 (S.D.N.Y. Sept. 12, 2022) (noting the "long saga of repetitive, frivolous lawsuits" brought by Kaul). Kaul filed four similar lawsuits in the Southern District of New York that were transferred to the District of New Jersey. *See id.* (citing *Kaul v. Christie*, 16-cv-01346 (S.D.N.Y. Apr. 19, 2016); *Kaul v. Christie*, 18-cv-03131, 2018 WL 10038784 (S.D.N.Y. Apr. 11, 2018); *Kaul v. Schumer*, 19-cv-03046 (S.D.N.Y. May 29, 2019); *Kaul v. Murphy*, 21-cv-05293 (S.D.N.Y. June 21, 2021). Kaul filed additional lawsuits across the country, many of which were transferred to the District of New Jersey. *Id.* (collecting cases). "Plaintiff Kaul has never received any relief in these cases," as the District of New Jersey dismissed many of Kaul's claims and Kaul voluntarily dismissed others. *Id.* at *2.

On August 19, 2021, Kaul and Basch filed an action in this District alleging six conspiracies, including "a purported kidnapping" and "a Slaving-Nazi-COVID-Insurance Axis." *Id.* at *2-3. On September 12, 2022, Judge Oetken dismissed that complaint with prejudice and barred Kaul from filing "new actions arising from these facts." *Id.* at *4. The Court warned that "[i]f Plaintiff Kaul violates this Opinion and Order and files any materials without first obtaining leave to file, any request will be denied for failure to comply with this Opinion and Order, and Plaintiff Kaul may be subject to sanctions, including monetary penalties or contempt." *Id.* at *9.

II. Factual Background

Plaintiffs have now filed, without leave, another complaint alleging that Defendants supported a multi-billion-dollar enterprise to regulate and discipline civilians, like Kaul, in

violation of their human rights and the Constitution. Compl. ¶¶ 3-4; *see also Kaul* 2021 at *2 (alleging nearly identical claims). Plaintiffs claim that the Defendant insurance companies are committing racketeering through a "Slaving-Nazi-COVID-Insurance Axis" to "force[] mass global vaccination programs." Compl. ¶¶ 17-18.

Plaintiffs admit to filing several similar lawsuits between 2015 and 2022. *Id.* ¶ 4. Plaintiffs' current Complaint alleges a violation of Sarbanes Oxley, RICO conspiracies (identified as "RICO 4-9" and "BASCH CLAIM RICO"), violations of "civil rights," a Section 1983 claim, violations of the 1st, 2nd, 4th, 5th, 6th, 8th, and 14th Amendments, and a violation of the "UN Charter of Human Rights." *See generally id.* Portions of the Complaint are seemingly a "copy and paste" from the amended complaint filed in *Kaul* 2021. *Compare id.* ¶¶ 16-21, 27, 29-35, 71-222 with *Kaul v. Intercontinental Exch.*, No. 21-cv-6992 (JPO), ECF No. 14 ("*Kaul* 2021 Compl.") ¶¶ 6-10, 12-152. These claims are summarized in Judge Oetken's opinion, and the Court assumes familiarity with those allegations. *Kaul* 2021 at *2-3.

Notwithstanding, Plaintiffs claim this lawsuit is an "independent action" alleging new facts and "new racketeering injuries." Compl. ¶ 7. The first "new" allegation is that Judge Oetken fraudulently dismissed Plaintiffs' previous case, *Kaul* 2021; and Judge Oetken "tacitly admitted to having received bribes and conspiring with the Defendants and or their agents." Compl. ¶¶ 5, 12. Plaintiffs allege that various Defendants bribed Judge Oetken to dismiss *Kaul* 2021 and enter the injunction that prevents Plaintiff from prosecuting the "Kaul Cases." *Id.* ¶¶ 22-24.

Second, Plaintiffs allege that the New York State Medical Board colluded with "[t]he Kaul Cases Defendants" to deny Kaul's medical license application. *Id.* ¶ 25; *see also id.* ¶¶ 43-57.

Third, Plaintiffs claim that three defendant insurers – FSMB, Allstate, and GEICO – used the State of California - UC San Diego Physician Assistant and Clinical Education ("PACE") Program to further their racketeering scheme. *Id.* ¶ 58. Plaintiffs allege that PACE submitted a false report to the Pennsylvania Medical Board stating that Kaul "would be a danger to the public" and "likely never meet the standards to ever return to the practice of medicine." *Id.* ¶ 64.

III. Procedural Background

Plaintiffs filed the Complaint on March 9, 2023. *See id.* Defendant Allstate requested dismissal of this action on April 19, 2023 on the grounds that the Complaint violates an anti-filing injunction. ECF No. 3. Plaintiffs filed a motion for summary judgment on April 21, 2023. ECF Nos. 6-9. On April 22, 2023, Plaintiffs filed a letter asking the Court to deny Allstate's letter. ECF No. 10. On April 27, 2023, FSMB filed a motion to dismiss on the grounds that the lawsuit at hand (1) violates the anti-filing injunction against Kaul, (2) and fails to comply with Federal Rule of Civil Procedure ("Rule") 8(a)(2). ECF No. 15. On May 2, 2023, Intercontinental Exchange also requested the Court dismiss the case due to the anti-filing injunction. ECF No. 17. Plaintiffs filed a brief opposing FSMB's motion to dismiss on May 2, 2023. ECF No. 19. Plaintiffs then requested default judgment against Robert Heary on May 9, 2023. ECF No. 23. Plaintiffs responded to Defendant Intercontinental Exchange's letter on May 9, 2023. ECF No. 24.

DISCUSSION

I. Anti-Filing Injunction Against Kaul

This lawsuit runs afoul of Judge Oetken's order barring Kaul from filing any lawsuits related to the facts of his earlier cases. Specifically, Judge Oetken barred Kaul:

> from filing in any United States district court any action, motion, petition, complaint, or request for relief against any of the Defendants named in this litigation that relates to or

> arises from (i) the denial of his medical license;
> (ii) subsequent litigation proceedings initiated by the
> Defendants here before the date of this Order;
> (iii) subsequent litigation proceedings initiated by Plaintiff
> Kaul before the date of this Order; without first obtaining
> leave from this Court.

Kaul 2021 at *9.

The Complaint is against *all* of the defendants from *Kaul* 2021. *See id.* Here, as in *Kaul* 2021, Plaintiffs sued: Intercontinental Exchange, GEICO, TD Bank, Allstate, FSMB, Arthur Hengerer, Christopher J. Christie, Daniel Stolz, AHS, Robert Heary, Philip Murphy, Gurbir Grewal, Rivkin Radler Law Firm, Max Gersenoff, and unidentified John Doe and Jane Doe defendants. Compl. ¶ 1; *Kaul* 2021 at *1. Therefore, Kaul is barred from bringing this action if it "relates to or arises" from any of the three conditions listed in Judge Oetken's anti-filing injunction. *Kaul* 2021 at *9.

Turning to the first condition, the facts of this lawsuit indisputably arise from the denial of Kaul's medical license. *See id*; Compl. The complaint alleges that Kaul's medical license was wrongfully revoked as part of a pattern of racketeering involving Defendants. *See generally* Compl. As stated previously, much of the Complaint is nearly identical to Plaintiffs' previous allegations, allegations which were also based on the revocation of Kaul's medical license. *Compare id.* ¶¶ 16-21, 27, 29-35, 71-222 with *Kaul* 2021 Compl. ¶¶ 6-10, 12-152.

The three RICO claims that Plaintiffs claim are "new" all stem from the denial of Kaul's medical license and are therefore barred by the injunction. Plaintiffs' first RICO claim relates to Judge Oetken's decision to deny Plaintiffs' complaint regarding the denial of his medical license in collusion with the "[t]he Kaul Cases Defendants." Compl. ¶¶ 36-42. Therefore, this claim relates to or arises from the denial of his medical license and subsequent litigation initiated by

Kaul.[1] Plaintiffs' second RICO claim alleges a conspiracy to deny his request for a medical license through the New York State Medical Board. *Id.* ¶¶ 43-57. Plaintiffs' third RICO allegation claims that as part of a RICO conspiracy Kaul received a negative report from a medical training facility that prevented him from obtaining a medical license in Pennsylvania. *Id.* ¶¶ 58-70. The new RICO allegations also relate to the denial of Kaul's medical license. Although Plaintiffs may have presented some additional allegations that were not contained in his complaint before Judge Oetken, these allegations clearly fall within the bounds of the anti-filing injunction. The Court finds that Kaul is barred from bringing the Complaint in this lawsuit as it clearly falls with Judge Oetken's anti-filing injunction.

II. Collateral Estoppel

The doctrine of claim preclusion, also called collateral estoppel, also bars most of Plaintiffs' claims. Claim preclusion "precludes a party from relitigating an issue actually decided in a prior case and necessary to the judgment." *Lucky Brand Dungarees, Inc. v. Marcel Fashions Grp., Inc.*, 140 S. Ct. 1589, 1594 (2020). A court may raise claim preclusion *sua sponte*. *See Somerset v. Partners Pharmacy, LLC*, No. 20-cv-01241 (CM), 2020 WL 1144582, at *2 (S.D.N.Y. Mar. 6, 2020) ("Although claim preclusion is an affirmative defense to be pleaded in a defendant's answer, *see* Fed. R. Civ. P. 8(c), the Court may, on its own initiative, raise the issue."). As the Court has addressed already, the majority of the Complaint is a near replica of the complaint in *Kaul* 2021. The Court provided a final decision on all the claims in *Kaul* 2021 denying those claims with prejudice. *See generally Kaul* 2021. Therefore, the

[1] Plaintiff did not appeal or seek any post-judgment relief. Nevertheless, the Court need not address whether the current lawsuit is the procedurally proper way to challenge the decision in *Kaul* 2021.

doctrine of claim preclusion bars all of the claims in this action except the three new RICO claims, which were not already adjudicated, but which are barred by the injunction.

III. Rule 8(a)(2)

The Complaint should also be dismissed pursuant to Rule 8(a)(2). Rule 8(a)(2) requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). "Courts may dismiss a complaint *sua sponte* for noncompliance with Rule 8(a)(2) when 'the complaint is so confused, ambiguous, vague, or otherwise unintelligible that its true substance, if any, is well disguised.'" *Dorisca v. Rawls*, No. 18-cv-09756 (JGK), 2019 WL 2085360, at *2 (S.D.N.Y. May 10, 2019) (quoting *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995)).

As this Court found the last time it reviewed a *Kaul* complaint, "the . . . complaint 'contains rambling quotes and excerpts from various sources, . . . spurious comparisons between the insurance industry, on the one hand, and Nazi Germany and slavery, on the other, . . . and difficult-to-follow references to Mr. Kaul's other pending litigation and related documents.'" *Kaul* 2021 at *5 (citation omitted). Plaintiffs' inclusion of more facts and claims does not solve the problems that the Court previously identified. That is, the pleadings are still "a prolix and unintelligible conspiracy theory novel." *Id.* (internal quotation marks omitted). Therefore, the Court also dismisses this complaint pursuant to Rule 8(a)(2).

IV. Conclusion

The Complaint is hereby dismissed with prejudice. The Court of Clerk is respectfully requested to close this case.

Dated: May 10, 2023
New York, New York

SO ORDERED.

Jennifer Rochon

JENNIFER L. ROCHON
United States District Judge

Exhibit 8

Kaul/Basch v ICE

~~21-CV-06992~~

K11-7

The Oetken Disqualification

By: Richard Arjun Kaul, MD
David B. Basch, MD

October 6, 2022

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

RICHARD ARJUN KAUL, MD

Plaintiff

v.

INTERCONTINENTAL EXCHANGE, ET AL

Defendants

Case No. 21-CV-06992

AFFIDAVIT AND MOTION IN SUPPORT OF APPLICATION FOR JUDICIAL DISQUALIFICATION OF UNITED STATES DISTRICT COURT JUDGE J. PAUL OETKEN PURSUANT TO 28 U.S.C. § 144 AND 28 U.S.C. § 455

We, the Propria Persona Plaintiffs, Richard Arjun Kaul, MD, and David B. Basch, MD, do hereby swear under oath and penalty of perjury that the facts, reasons, and statements submitted in support of this application are true and accurate to the best of my knowledge.

Dated: October 6, 2022

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Contents

Authorities

Cases:

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Berger v. United States, 255 U.S. 22 (1921):
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Impeachment of G. Thomas Porteus, Jr., Judge of the United States District Court for the Eastern District of Louisiana, and H.Res. 1031, 111th Cong. 2d Sess (Mar. 11, 2010
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Hook v McDade, 89 F.3d 350, 355 (7th Cir. 1996):
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In Cheney v. United States District Court for the District of Columbia, 541 U.S. 913 (2004):
In re Drexel Burnham Lambert Inc., 861 F.2d 1307, 1313 (2d Cir. 1988):
In re Faulkner, 856 F.2d 716, 721 (5th Cir. 1988):
In re Kensington Int'l Ltd., 368 F.3d 289 (3d Cir. 2004)
In re Mason, 916 F.2d 384, 386 (7th Cir. 1990):
In re New Mexico Natural Gas Antitrust Litig., 620 F.2d 794, 796 (10th Cir. 1980):
In re Rodgers, 537 F.2d 1196 (4th Cir. 1976):
In re Sch. Asbestos Litig., 977 F.2d 764, 782 (3d Cir. 1992):
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United States v DeTemple, 162 F.3d 279, 286 (4th Cir. 1998)
United States v Microsoft, 56 F.3d 1448 (D.C. Cir. 1995):
United States v Murphy, 768 F.2d 1518 (7th Cir. 1985):
United States v. Toohey, 448 F.3d 542 (2d Cir. 2006):

Statutes:

28 U.S.C. § 455
28 U.S.C § 144

Relevant Facts

1. In September 2021, Kaul had several conversations with one of the nation's largest litigation funders, a corporation based in San Francisco, after K11-7 had been identified as a **"strong and winnable case"** by their algorithm, a piece of software that searches legal databases/court dockets across the country. This highly critical and discerning tool, in conducting an independent and purely objective assessment, did arrive at the aforementioned conclusion. The algorithm's conclusion is at complete odds with the purported opinion of Judge Oetken.

2. In 2011 Judge Oetken was appointed to the federal bench upon the recommendation US Senator Charles Schumer (D-NY), a person sued by Kaul on April 4, 2019 (Kaul v Schumer: 19-CV-13477) (K3), for having engaged in quid pro quo schemes with K1/K2 Defendants, in which he conspired with his brother-in-law, U.S.D.J. Kevin McNulty (DNJ) to unlawfully obstruct Kaul's prosecution of K1/K2, by entering knowingly fraudulent opinions and orders. Kaul nullified U.S.D.J. McNulty's February 22, 2019, order/opinion with the submission of 'The McNulty Analysis' on March 2019 (K1: D.E. 313-1), and on May 8, 2019, Kaul moved to disqualify USDJ McNulty (K1: 334) and on May 22, 2019, USDJ became disqualified (K1: D.E. 340).

3. Judge Oetken was assigned to K11-7 on August 19, 2021.

4. Upon assignment, Judge Oetken became aware that while a corporate lawyer, he had represented numerous members of the banking and insurance industry, many of whom, hold stock in Defendants ICE/Allstate/Geico/TD, and many in whom Judge Oetken currently holds stock, directly or indirectly.

5. However, Judge Oetken failed to either recuse himself or bring this matter to the attention of Kaul or the Court. One of the motives for his failure of disclosure/recusal, was to retain his power to dismiss the case, an act he calculated would increase the value of his investment portfolio.

6. On September 12, 2022, Judge Oetken entered an opinion/order that he knew did not truthfully reflect the law, the facts or evidence of the case, an opinion/order that he knew was false (D.E. 168). The knowing falsity of Judge Oetken's opinion/order evidence his biased/prejudicial state-of-mind against Kaul.

7. Judge Oetken conspired with agents of Senator Charles E. Schumer, to pervert the course of justice and prevent Kaul from presenting evidence to the public of crimes committed by **The Kaul Cases** Defendants, one of whom was Senator Schumer. These acts evidence Judge

Oetken's biased/prejudiced state-of-mind, and the exercise of this state-of-mind in order to pervert the course of justice.

8. Judge Oetken's participation in the scheme with Senator Schumer to pervert/obstruct the course of justice, was an act consistent with his bias/prejudicial state-of-mind and appearance of partiality against Kaul.

9. Judge Oetken's participation in the scheme, involved him in the commission of following acts, all of which evidence his bias/prejudicial state-of-mind: **(i)** obstruct Kaul's prosecution of the case; **(ii)** deny all of Kaul's motions; **(v)** dismiss with prejudice all of Kaul's claims; **(vi)** threaten to hold Kaul in contempt for asserting his right to due process. A "**reasonable man**" looking at such malfeasance/misconduct might say to himself, "**the judge has been corrupted**".

10. Judge Oetken's knowing and willful participation in the scheme to deceive Kaul by orchestrating a charade of due process, evidences his biased/prejudicial state-of-mind. It is this state-of-mind that has caused Judge Oetken to violate his legal oath to uphold the Constitution and remain loyal to the law. Judge Oetken's willful ignorance and derision **("purported kidnapping")** D.E. 168 Page 4 of 20) of the crime committed against Kaul, can only emanate from a heart and mind that has been thoroughly corrupted by money. Where is the principle, integrity, or honor, or is it all just about money?

11. Judge Oetken's biased/prejudicial state-of-mind and conduct prohibit him from any further involvement in the case, a case in which he knowingly obstructed Kaul's efforts in gathering evidence, in the knowledge that it would permit the defendants and third-party witnesses to delete /destroy/spoil evidence.

12. Judge Oetken's biased/prejudicial state-of -mind and conduct are evidenced in the fact that he willingly and knowingly participated in a scheme, in which there existed a corrupt intent to pervert the course of justice, and a scheme in which he did in fact pervert the course of justice, with the instrument of a federal court and its attendant authority.

13. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced in the fact that he willingly and knowingly used the US wires in furtherance of a scheme that he knew was illegal. A cause + consequence of his bias/prejudice was money. The defendants in their desperation to avoid economic/reputational obliteration, calculated that the legal risk of corrupting a federal judge/US Senator, was outweighed by the risk of losing the case. Their calculation, as with every other calculation they have made, was wrong. Obstruction of justice leads to lengthier jail terms, than does perjury + evidential falsification.

14. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced by the fact that he knew the purpose of the defendants' scheme was to cause him to obstruct Kaul's prosecution of K11-7, by denying his motions, denying him discovery, and dismissing with prejudice his federal-law claims. In essence, denying Kaul access to substantive justice and willfully and knowingly violating his constitutionally protected right to due process.

15. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced by the fact that he/agents, in collusion and conspiracy with the Defendants/agents, converted the United States District Court for the SDNY into a racketeering enterprise, the purpose of which was to profit from the case and obstruct Kaul's prosecution of the matter. Judge Oetken and the K11-7 Defendants/agents, participated in a series of multiple quid pro quo schemes with the defendants, in which the "**quid**" were bribes paid by defendants to Judge Oetken and the "**quo**" was the perversion/obstruction of the course of justice.

16. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced by the fact that he knew that by obstructing Kaul's prosecution of K11-7, he would prevent him from disclosing to the public evidence of the crimes committed by **The Kaul Cases** Defendants in administrative/state/bankruptcy/federal courts within the geographic boundaries of the State of New York, and crimes committed on the NYSE/SEC/global equities market and crimes committed within the administrative/judicial branches of the State of New York (2005/6-2022). Judge Oetken's aiding and abetting the Defendants' cover-up' of their crimes is consistent with his bias/prejudice against Kaul, which is partly a product of bribery.

17. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced by his involvement in this scheme and particularly by his knowledge that one of the scheme's goals, was an attempt to deceive Kaul into thinking that justice was being served. Judge Oetken played a central role in the perpetration of this charade of due process, an abuse and knowingly false use of the authority of the United States District Court for the SDNY.

18. Judge Oetken's biased/prejudicial state-of-mind and conduct are evidenced by the fact that he knew the defendants had flagrantly violated Kaul's right to due process within administrative/state/bankruptcy/federal courts within the geographic boundaries of the State of New York, but yet on September 12, 2022, he dismissed K11-7 with prejudice, and threatened to hold Kaul in contempt if he exercised his right, and that of his children's right to life. Judge Oetken attempted to issue Kaul an effective death warrant, burden Kaul's children with the generational consequences of the Defendants crimes and suppress the truth, because he had received bribes. Kaul will employ the full force of domestic/international law to prevent this.

19. Based on a "**reasonable man's**" observations of Judge Oetken's lack of "**appearance**" of impartiality, as evidenced in his opinions/orders, Judge Oetken must be disqualified in order to maintain the public's confidence in the judiciary.

20. Judge Oetken's bias/prejudice/appearance of partiality against Kaul is found in his September 12, 2022, opinion/order, and other parts of the case file:

a. Ignoring the evidence: On September 12, 2022, Judge Oetken issued a twenty (20) page opinion (D.E. 168), in which he devoted several paragraphs to a recitation of knowingly false legal conclusions, that resulted in the issuance of an opinion on December 13, 2013, by K2 defendant and ex-administrative NJ law judge, Jay Howard Solomon, that caused the illegal revocation of Kaul's NJ license. On January 17, 2018, Kaul submitted onto the K1 docket a document entitled 'The Solomon Critique' (K1: D.E. 225). It is the product of Kaul having cross-referenced almost twenty-seven thousand (27,000) lines of legal transcript, with the one hundred and five (105) page opinion of K2 defendant Solomon. Kaul did not come into possession of the entire transcript until September 2017. 'The Solomon Critique' proves with the state's own evidence, that in a period from April 9, 2013, to December 13, 2013, K1/K2 Defendants, Gregory Przybylski, MD, + Andrew Kaufman, MD + Jay Howard Solomon, Esq, **collectively committed two hundred and seventy-eight (278) separate instances of perjury + evidential omissions + misrepresentations + gross mischaracterizations** in the administrative board proceedings that resulted in the illegal revocation of Kaul's license on March 12, 2014. Further, on February 11, 2019, as **Exhibit 18** of Kaul's K1 motion for summary judgment against Defendant Allstate New Jersey Insurance Company, Kaul submitted a document entitled 'The Solomon Critique 2' (K1: D.E. 299-18 Page ID 7201 to D.E. 299-26 Page ID 8170). This document is a focused analysis on the testimony of Defendant Przybylski, the state's 'star expert', upon whose fraudulent testimony Kaul's license was illegally revoked. This document proves that in a period from April 9, 2013, to December 13, 2013, Defendant Przybylski in conjunction with K2 defendants Hafner + Solomon **collectively committed two hundred and twenty-two (222) separate instances of perjury + evidential omissions + falsifications + misrepresentations.** (K1: D.E. 299-18 Page ID 7203). In addition to the submission of this evidence, Kaul submitted further evidence in the form of affidavits and e-mails (K1: D.E. 299 Page ID 7044 to Page ID 7065) that, as detailed in his motion for summary judgment against Defendant Allstate New Jersey Insurance Company (K1: D.E. 299 Page ID 7017 to Page ID 8170), are conclusive of his claims and disprove the defendants' defenses. Contained within this submission was an article entitled, '**How Many Die from Medical Mistakes in US Hospitals?**'. The answer is **440,000 annually**. Also contained within this submission is a document entitled 'The Przybylski Disciplinary Notice' (K1: D.E. 299-22 Page ID 7502 to Page ID 7505), which contains notice of an

official public disciplinary proceeding/finding against Defendant Przybylski by the American Association of Neurological Surgeons (AANS), on April 21, 2017, in which they concluded that Defendant Przybylski had provided knowingly false testimony in a medical malpractice case against another physician. The AANS stated: **"The Board of Directors also concluded that Dr. Przybylski violated Section A.4 by misrepresenting the standard of care when he testified that antibiotic treatment for six weeks after an esophageal tear closure, monitoring ESR and CRP and personal review of esophageal swallow studies are all required during treatment of a pharyngeal tear."** (K1: D.E.299-22 Page ID 7505). This conclusive/admitted evidence was submitted into K11-7, but there exists no reference, let alone analysis of this evidence in Judge Oetken's opinion. Neither is there cited any factual/legal basis to substantiate these absences.

b. Ignoring the evidence: On September 12, 2022, in response to Kaul's dissemination of NOTICES OF PRESERVATION to multiple Third-Party Witnesses, including ex-DNJ Chief Judge, Jose Linares, Judge Oetken hurriedly and in a 'knee-jerk' manner consistent with having been given an order by the defendants, entered an opinion/order (D.E. 168), that is factually and legally flawed, and is further evidence of both his bias/prejudicial state-of-mind and his "**appearance**" of partiality against Kaul. Judge Oetken's opinion, once again, contains a multi-paragraph recitation of knowingly false legal conclusions from the December 13, 2013, one hundred and five (105) page opinion of K2 Defendant Jay Howard Solomon. However, and as irrefutable evidence of his bias/prejudice/appearance of partiality against Kaul, he completely ignores the evidence submitted by Kaul in support of his motion for summary judgment against Defendant Allstate New Jersey Insurance Company (D.E. 5). Specifically, he ignores the evidence of 'The Solomon Critique' (D.E. 5 Page 53 of 131) + 'The Solomon Critique 2' (D.E. 5 page 117 of 131), evidence that unequivocally, irrefutably and undeniably prove that the administrative board proceedings (April 9, 2013 to December 13, 2013) were a massive fraud perpetrated by both state and private actors, who, under direction from Defendant Christie, converted the State of New Jersey and its agencies into racketeering enterprises, through which state and private actors conducted multiple patterns of racketeering, through the commission of the predicate acts of mail fraud/wire fraud/bribery/obstruction of justice/kickbacks/perjury. The common purpose of these schemes, as understood and facilitated by the defendants was to illegally revoke Kaul's license, and eradicate the debt of certain defendants, and eliminate the threat of competition that his practice posed. Judge Oetken's complete silence on Kaul's evidence is evidence of his biased/prejudicial/appearance of partiality against Kaul, which demands that he be disqualified from the case, and his orders become subject to vacatur. However, despite this 'mountain' of evidence, Judge Oetken, consistent with his bias/prejudice/appearance or partiality, failed to analyze/reference the evidence submitted by Kaul that proved that the administrative board proceedings were a massive fraud. In fact, Judge Oetken, in attempting to manufacture a foundation for his knowingly false opinion, used the record of the United States District Court to not only ignore the evidence, but to propagate the

falsehood that the ADMISSIONS OF UNDISPUTED FACT admitted in K1 were **"fabricated"** (D.E. 5 Page 17 of 20). Judge Oetken knew and knows that the evidence proves that the K11-7 claims are valid and merit-full, and his characterization of them as **"frivolous"** evidences his bias/prejudice/appearance of partiality against Kaul and provides further evidence as to why Judge Oetken must be disqualified from the case, and his orders be nullified.

c. The pattern of judicial misconduct + 'The McNulty Analysis': In K1, Kaul filed a document on March 18, 2019, entitled 'The McNulty Analysis' (K1: D.E. 313 Page ID 8384 to Page ID 8448) in response to Judge McNulty's opinions/orders (D.E. 300 + 301 + 303 + 304). The document details the facts of why Judge McNulty was conflicted/biased/prejudiced against Kaul (K1: D.E. 313-1 Page ID 8386 + Page ID 8399 + Page ID 8403 + Page Id 8432 + Page ID 8436 + Page ID 8447). The evidence within this document, almost exactly reflects that admitted to by Judge Oetken, and is evidence that caused the disqualification of Judge McNulty (K1: D.E. 340) on May 22, 2019. Thus, pursuant to sections 455 /144 of the United States Code, Judge Oetken must likewise be disqualified and vacatur implemented. To permit any further involvement in this case by Judge Oetken, would constitute a grave miscarriage of justice, would be contrary to the interests of justice, would be violative of every legal oath to which Judge Oetken has sworn, and would constitute a continuance of the violation of Kaul's constitutionally protected right to due process, a violation that commenced on April 2012 with K2 defendant, NJBME, and is ongoing in September 2022.

21. On September 13, 2022, Judge Oetken was served, pursuant to the Courthouse Ethics and Transparency Act, with a demand for amongst other things, his financial holdings, and a list of all ex parte communications between himself/agents and the Defendants/agents regarding any aspect of K11-7 and or future promises of any tangible or non-tangible favors (**Exhibit 1**). As of October 7, 2022, Judge Oetken has failed to comply with his legally mandated judicial duties.

22. The non-production, and thus the consequent admittance of evidence of financial conflicts of interest and improper ex parte communications, substantiate not only a finding of bias/impartiality, but a conclusive nullity of the knowingly fraudulent opinion/order of September 12, 2022 (D.E. 168).

23. These facts explain with completeness and without any reasonable question, the fraudulent nature and form of the September 12, 2022, opinion/order, for Judge Oetken's opinion, while resonating with a tone of hurried desperation, is replete with errors of logic/fact/law, and fails, intentionally no doubt, to reflect the enormous body of highly incriminating evidence. Judge Oetken fails, as did the Defendants, to address/analyze/refute/contest any of Kaul's approximately one hundred and seventy-three (173) arguments/sub-arguments, the Defendants non-refutation/the Court's non-analysis of

which has caused them to become admitted. One example, of which there are hundreds, is Judge Oetken's knowingly fraudulent finding that corporate Defendant TD's admission of fact in K1 is allegedly **"fabricated"** (D.E. 168 Page 17 of 20). Judge Oetken cites to Defendant TD's equally fraudulent submission in their motion to dismiss/injunctive plea (D.E. 97 at 2-3/14) to further his fraud, while willfully ignoring argument/evidence submitted by Kaul that proves Defendant TD lied, that argument being: **"Counsel for Defendant TD was electronically served with an "ADMISSIONS BY DEFENDANT TD NA OF UNDISPUTED FACTS" on July 7, 2020, and did on July 14, 2020 admit to the facts."** (D.E. 110 Page 12 of 63), and the evidence being the email/attached admissions received by Defendant TD In K1 on July 7, 2020 (D.E. 110 Page 28-31 of 63), which states, amongst other things: **"If, by July Fourteenth Two Thousand and Twenty, you fail to contest the Unrefuted Fact, then these facts will remain admitted, and will be submitted in support of the motions for Summary Judgment."** Further evidencing the willful legal error/bias/partiality of Judge Oetken's is the fact that the judge in K1, the case in which the facts were admitted, did not find that the admissions were fabricated.

24. Further evidence of Judge Oetken's illegal participation in schemes of bribery and judicial corruption is found in a comparison of the initial segments of his opinion, with the evidence/facts/arguments within the case file (**Exhibit 2**). The blatant absence of analysis of any of Kaul's arguments/sub-arguments can only be explained/understood in the context of these schemes. If Judge Oetken had not been bribed, his opinion would honestly reflect the record, but it does not.

25. Judge Oetken's threat to hold Kaul in contempt of court if he exercises his inalienable right to due process/life/justice, by relying on law that he knows does not and never could support such a violation of human rights, constitutes further evidence of his having converted the court into a **"racketeering enterprise"**. Judge Oetken continues to knowingly violate the Courthouse Ethics and Transparency Act, a violation that places under retroactive scrutiny his entire legal/judicial practice.

Legal Argument

Preface

26. Democracy and the peaceful order of society, cease to exist when the judiciary is morally bent, perverted from fact and willfully blind to the law. When partiality, personal bias and or conflicts of interest pollute the administration of justice, the public loses confidence in the system of justice, and lawlessness displaces lawfulness. When the public lose faith in their judges, they lose faith in the law. Central to this understanding of societal order is the concept of judicial impartiality, a function of democracy in which a judge has no commercial/political/personal interest in a case, other than to ensure that justice is served with dispassion and a certain disinterestedness. The impartial disinterested judge must not only "**do justice**" but must "**appear**" to do so. The judiciary is rightly held to exacting standards, and sections 455 and 144 of the United States Code, in conjunction with the Code of Conduct for United States Judges are constructed to ensure that any deviations from these standards are rectified in favor of evidence of judicial misconduct. The law recognizes that judges, more than any other sector of society, know the rules, and know how to skirt those rules for self-serving ends, and thus the law demands that judges be their own and most vehement critics. This honest state-of-mind is reflected in the actions of a judge who stands accused of bias/partiality/appearance of partiality. This judge will, without question, step aside, for he has no special interest in the case, and will not want to compromise the public's faith in the system of justice. The dishonest or conflicted judge will fight and or obstruct any credible, evidentially supported application for disqualification, for this judge is interested in the case, is interested in its outcome, but yet knows that his continuance in the case will cause its corruption and diminish the public's faith in the integrity of the judiciary. Dishonest judges undermine the principles of democracy, and if unchecked, they will continue to use their benches and judicial power for self-serving reasons, contrary to the peaceful order of society. When a question arises about a judge's impartiality, the law, and the public demand that the judge remove himself from the proceedings, in order to protect the due process rights of litigants.

27. Kaul brings this application on 28 U.S.C. § 455 and 28 U.S.C. § 144, seeking to ensure his right to impartial justice.

<u>28 U.S.C. § 455 states:</u>

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
(b) He shall also disqualify himself in the following circumstances:

(1) Where he has personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

(2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it.

(3) Where he has served in governmental employment and in such capacity as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy.

(4) He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party.

(ii) Is acting as a lawyer in the proceeding.

(iii) Is known by the judge to have an interest that could substantially affected by the outcome of the proceeding

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation.

(2) the degree of relationship is calculated according to the civil law system.

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian.

(4) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund.

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization.

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest.

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

A. 455(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned:

28. The facts, as asserted above, and as viewed from and through the perspective of a "**reasonable man**" do say, that the impartiality of Judge Oetken "**might reasonably be questioned**". The law in support of this proposition, is as follows:

a. Liteky v. United States, 510 U.S. 540, 553 (1994): The exacting standards to which the federal judiciary are held reflect its desire to maintain the public's confidence in its integrity and impartiality. If a judge's impartiality "**might reasonably be questioned**" then it is proper for him to be disqualified. The Liteky Court, in rejecting the petitioner's argument that sought to have the Court interpret the district judge's "**appearance**" of impartiality in the context of the "**extrajudicial source**" doctrine, established that an "**appearance**" of impartiality, without more, was a sufficient basis for disqualification: **"Partiality" does not refer to all favoritism, but only to such as is, for some reason, wrongful or inappropriate. Impartiality is not gullibility. Moreover, even if the pejorative connation of "partiality" were enough to import the**

"extrajudicial source" doctrine into § 455(a0, the "reasonableness" limitation (recusal is required only if the judge's impartiality "might *reasonably* be questioned") would have the same effect. To demand the sort of "child-like innocence" that elimination of the "extrajudicial source" limitation would require is not reasonable." at 552. The Liteky Court then went on to describe intra-judicial sources of evidence that prove the judge's partiality against a particular party: "**Judicial remarks ... support a bias or partiality challenge ... will do so if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible.**" at 555. Judge Oetken's denial of all of Kaul's motions, his slanderous opinion of dismissal and his failure to adhere to his statutory obligation to disclose his financial holdings/ex parte communications, evidence "**such a high degree favoritism or antagonism as to make fair judgment impossible.**" The Liteky standard requires disqualification.

b. United States v Bayless, 201 F.3d 116, 126 (2d Cir. 2000): "**We have stated the standard for recusal under § 455(a) as follows: [A] court of appeals must ask the following question: Would a reasonable person, knowing all the facts, conclude that the trial judges' impartiality could reasonably be questioned? Or phrased differently, would an objective, disinterested observer fully informed of the underlying facts, entertain significant doubt that justice would be done absent recusal.**" at 126. If the above stated facts were 'plugged' into the mind of a "**reasonable man**", then he would "**entertain significant doubt that justice would be done absent recusal.**" and thus as a truly "**disinterested**" party, the "**reasonable man**" would demand the disqualification of Judge Oetken, the vacatur of his September 12, 2022 order and would likely state words to the effect that this case is not a "**close case**".

c. United States v DeTemple, 162 F.3d 279, 286 (4th Cir. 1998): It is the combination of the mind of the "**reasonable man**" and the facts that determine a disqualification: "**... a reasonable observer is not a person unduly suspicious or concerned about a trivial risk that a judge may be biased. There is always some risk of bias; to constitute grounds for disqualification, the probability that a judge will decide a case on a basis other than the merits must be more than "trivial." In the Matter of Mason, 916 F.2d 384, 386 (7th Cir. 1990).**" at 287. Judge Oetken has proven that his adjudication of this case is not based on the merits. He, as with all of the defendants, has failed to address/rebut/refute/contest the 'mountain' of evidence that proves Kaul's claims and dismantles the defendants' defenses. This aversion/avoidance of the truth is substantial and quite sinister, is not "**trivial**", and thus Judge Oetken must be disqualified.

d. In re Mason, 916 F.2d 384, 386 (7th Cir. 1990): The importance of the objective standard of the mind of the "**reasonable man**" is that a judge cannot judge himself. An honest judge has no interest or motivation to sit in any case, for his sole purpose is to serve justice, and that requires no specific attachment to any case. On the contrary, a dishonest judge will use the power of his bench to serve his own economic/political/personal interests, and is more inclined, not because of concerns as to reputation, to refuse to disqualify himself. The law recognizes these factors, which is why it does not, for a finding of an "**appearance**" of partiality, require proof of "**actual**" partiality: "**Yet drawing all inferences favorable to the honesty and character of the judge whose conduct has been questioned, could collapse the appearance of impropriety standard under § 455(a) into a demand for proof of actual impropriety.**" at 386.

Kaul, however, has submitted fact in support of both the "**appearance**" and "**actual**" standards, and thus the law demands that Judge Oetken be disqualified and vacatur implemented.

e. In re Allied-Signal Inc., 891 F.2d 967, 970 (1st Cir. 1989): The "**reasonable man**" in this case, is not permitted under the law to be arbitrary, but is in fact a "**thoughtful**" and "**well-informed**" individual. See Mason 916 F.2d at 386. See also Jordan, 49 F.3d at 156; O'Regan, 246 F.3d at 988. The standard of his consideration is that: **"[W]hen considering disqualification, the district court is not to use the standard of "Cesar's wife," the standard of mere suspicion. That is because the disqualification decision must reflect not only the need to secure public confidence through proceedings that appear impartial, but also the need to prevent parties from too easily obtaining the disqualification of a judge, thereby potentially manipulating the system for strategic reasons, perhaps to obtain a judge more to their liking."** at 970. The "**reasonable man**", in this case, will ask himself why Judge Oetken denied every motion filed by Kaul. He will ask himself why Judge Oetken did not appear once on the bench in front of Kaul. He will ask himself why Judge Oetken did not disqualify himself upon coming to know that as a lawyer he had represented banking/insurance corporations. He will ask himself why Judge Oetken denied all of Kaul's motions for summary judgment. The "**reasonable man**" would conclude that Judge Oetken is partial/biased/prejudiced against Kaul, that he must be disqualified.

f. Diamondstone v. Macaluso, 148 F.3d 113, 121 (2d Cir. 1998): The law requires that the facts upon which a disqualification application is submitted, are ones that a "**reasonable man**" would not consider "**trivial**": The Diamondstone Court held that "**A disinterested observer could not reasonably question Judge Murtha's impartiality based upon his alleged failure to return the plaintiff's greetings.**" at 121. There can be no question that failing to return a greeting is indeed trivial, a fact that stands in stark contrast to those asserted above, in which Judge Oetken has proved both his "**appearance**" of partiality against Kaul, and his "**actual**" bias/prejudice. The facts in Diamondstone are the 'polar opposite' of those in this case, the facts of which would cause a "**reasonable man**" to conclude that Judge Oetken must be disqualified.

g. In re Drexel Burnham Lambert Inc., 861 F.2d 1307, 1313 (2d Cir. 1988): The judicial disqualification process is a consequence of, and founded on, an analysis of the facts within the record: **"... whether a judge should be disqualified requires a careful examination of those relevant facts and circumstances to determine whether the charges reasonably bring into question a judge's impartiality.**" at 1309. The admitted/record facts in this case would prove in the mind of a "**reasonable man**" that Judge Oetken has both the "**appearance**" of impartiality and is "**actually**" biased/prejudiced, and thus must be disqualified.

h. In Cheney v. United States District Court for the District of Columbia, 541 U.S. 913 (2004): On April 4, 2019, Kaul filed suit in the United States District Court for the Southern District of New York against Senator Charles Schumer + Allstate Insurance Company + GEICO + TD Bank, NA + Gibbons, PC + Gannett Co., Inc (Kaul v Schumer: 19-CV-3046). Judge Oetken was sponsored to the bench by Senator Schumer, the conflict of interest which thus requires Judge Oetken be disqualified: "[**W[hile friendship is a ground for recusal of Justice where the personal fortune**

or the personal freedom of the friend is at issue, it has traditionally *not* been a ground for recusal where *official action* is at issue, no matter how important the official action was to the ambitions or the reputation of the Government officer." at 916.

i. United States v Microsoft, 56 F.3d 1448 (D.C. Cir. 1995): Judge Oetken has admitted to conducting multiple ex parte communications with the defendants, which would cause the mind a of a "**reasonable man**" to conclude that Judge Oetken is partial against Kaul, otherwise why would he have conducted meetings about the case with other defendants in secrecy: "**The combined effect of the foregoing [ex parte communications] is to cause a reasonable observer to question whether Judge Sporkin "would have difficulty putting his previous views and findings aside**" at 1465. The Court assigned the case to a different judge. Judge Oetken must be disqualified, and his September 12, 2022, order vacated.

The facts, as asserted above, do leave Judge Oetken without any option but to become disqualified. This case is not a close one, and the law, in balancing a judge's "**duty to sit**" versus his or her duty to disqualify, finds that if there reasonably exists, a question of partiality, then the duty to disqualify prevails. The law in support of this proposition, is as follows:

j. Republic of Pan. V. Am. Tobacco Co., 217 F.3d 343, 347 (5th Cir. 2000): The calculation of whether a "**reasonable man**", well informed of the facts and circumstances of the disqualification application, is a calculation based on as objective an analysis of the facts that one would imagine achievable by the mind of the "**reasonable man**": "**In order to determine whether a court's impartiality is reasonably in question, the objective inquiry is whether a well-informed, thoughtful and objective observer would question the court's impartiality." Trust Co. v. N.N.P., 104 F.3d 1478, 1491 (5th Cir. 1997) (citing United States v Jordan, 49 F.3d 152, 155-58 (5th Cir. 1995). The review of a recusal order under § 455(a) is "extremely fact intensive and fact bound," thus close recitation of the factual basis for the appellants recusal motion is necessary**" at 346. Judge Oetken's admissions of financial conflicts of interest/ex parte communications, his blanket denials of Kaul's motions and requests for discovery, his failure to address Kaul's 'mountain' of conclusive evidence are facts, that if plugged into the mind of a "**reasonable man**" would cause that man to conclude that Judge Oetken is partial against Kaul, is conflicted and must, in the interests of justice, disqualify himself. Although the instant matter is not a close one, as was the case in the Republic Court, the Court made it a point to state that if there is any question as to impartiality, it must be decided in favor of disqualification: "**However, we have previously held that if the question of whether § 455(a) requires disqualification is a close one the balance tips in favor of recusal. In Re: Chevron, 121 F.3d 163 (5th Cir. 1997).**" at 347

Judge Oetken's asserted appearance of partiality mandates disqualification regardless of the fact that Kaul has requested a jury trial. As is evident from his pre-trial involvement, in which he has conducted a blanket policy of denying Kaul discovery, denying Kaul's motions for default judgment, denying Kaul's motion for summary judgment, and if the case were ever to be tried by Judge Oetken, either on remand, post vacatur or the trying of a new case, he would exclude witnesses, testimony and evidence that support Kaul's case. These facts demand

disqualification, regardless of whether K11-7 is tried with/without a jury. The law in support of this proposition is:

k. In re Sch. Asbestos Litig., 977 F.2d 764, 782 (3d Cir. 1992): "**Section 455 properly makes no distinction between jury and nonjury trials. The district Judge is a jury trial must still make numerous pretrial rulings, including crucial summary judgment rulings, and will doubtless be called on to make numerous rulings on the qualification of witnesses and on evidentiary matters, not to mention post-trial motions.**" at 782. As did occur in the administrative board proceedings (April 9, 2013, to June 28, 2013: Opinion issued: December 13, 2013), and as evidenced in 'The Solomon Critique' (D.E. 5) + 'The Solomon Critique 2' (D.E. 5), so too in these proceedings would there be further acts, constituting obstruction of justice and violations of Kaul's constitutionally protected right to due process. Since April 2012, Kaul has the victim of an almost eleven (11) year campaign of fraud/perjury/obstruction of justice /bribery/kickbacks/extortion. Judge Oetken's disqualification will finally permit the truth to be publicly and properly told, absent judicial obstruction and the defendants ever more desperate defenses. Kaul assures the Defendants that their crimes will receive the same, if not more publicity, than that they so maliciously manufactured around Kaul from 2012 to 2015. The filing on February 22, 2016, of K1 silenced the defendants' 'baying'. When 'small' men come under pressure, it is remarkable how rapidly they retreat into their psychological 'holes'.

B. 455(b)(1) He shall also disqualify himself in the following circumstances: Where he has personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding:

29. The facts as asserted above do prove that Judge Oetken has a "**personal bias and prejudice**" **against Kaul**" and has "**personal knowledge of disputed evidentiary facts concerning the proceeding**", and thus, in conjunction with violations of section 455 (a) and section 144, he must be disqualified. The law in support of this proposition is:

l. United States v. Balistrieri, 779 F.2d 1191, 1202 (7th Cir. 1985): Judge Oetken has admitted he has a commercial interest in the outcome of K11-7. K11-7 contains corporate defendants, that have corporate shareholders in which Judge Oetken holds shares. Judge Oetken has failed to file any financial disclosures or conflicts of interest in this matter. Money is funneled from these shareholders via shares to Judge Oetken. The Balistrieri Court held: "**The negative bias or prejudice from which the law of recusal protects a party must be grounded in some personal animus or malice that the judge harbors against him, of a kind that a fair-minded person could not entirely set aside when judging certain persons or causes. See United States v. Conforte, 624 F.2d 869, 881 (9th Cir.). cert. denied, 449 U.S. 1012, 101 S.Ct. 568, 66 L.Ed.2d 470 (1980). Satisfactory evidence of bias or prejudice must show this element of personal animus or malice. See footnote 9: "of course, if the party claims that the judge is biased because of some personal interest in the case or favoritism to other parties, then animus need not be shown.""** at 1201. The language of Judge Oetken's September 12, 2022, opinion reverberates with hostility, and certain sections contain language typically used by Defendants

Allstate/Geico, that of poorly constructed 'verbal thuggery' more frequently seen in New Jersey state court briefs. The co-drafting of Judge Oetken's opinion by lawyers for the corporate Defendants, further evidences his conflict of interest.

m. Hook v McDade, 89 F.3d 350, 355 (7th Cir. 1996): In answering the question of whether a judge harbors "**personal bias or prejudice**" against a particular party, the applicable standard is that of the mind of a "**reasonable man**", who in possession of all of the relevant facts and circumstances, is in the optimum position to answer the question: "**In determining whether a judge must disqualify himself under 29 U.S.C. § 455(b)(1), "the question is whether a reasonable person would be convinced the judge was biased.**" Lac du Flambeau Indians v. Stop Treaty Abuse-Wis., 991 F.2d 1249, 1255 (7th Cir. 1993) (citing Taylor, 888 F.2d at 1201; Balistrieri, 779 F.2d at 1202). The above stated facts, if thoughtfully and carefully considered by a "**reasonable man**" would cause that individual to conclude that Judge Oetken has a "**personal bias or prejudice**" against Kaul.

n. In re Faulkner, 856 F.2d 716, 721 (5th Cir. 1988): Judge Oetken admitted to having engaged in extensive and improper ex parte communications with defendants' counsel. The 5th Circuit in Faulkner reminded the federal judiciary of the exacting standards to which the United States Supreme Court holds its members: "**Under the Supreme Court's compelling standard, we conclude that Judge Fish must stand down from this case, despite the total absence of any showing of actual bias. Under the facts presented, it is patent that "his partiality might reasonably be questioned" by a reasonable observer. This disqualifies him under section 455(a). Even were this not so, he has, at least through his personal conversations with Mrs. Pick, "personal knowledge of disputed evidentiary facts concerning the proceeding" sufficient to disqualify him, under section 455(b)(1), from presiding further over this case**" at 721. The Falkner standard mandates the disqualification of Judge Oetken and nullification of his September 12, 2022, order.

o. United States v Alabama, 828 F.2d 1532 (11th Cir. 1987): The bias created when a judge has aligned his interests with that of the state, its agencies, or actors, was the reason the 11th Circuit disqualified the district judge in United States v Alabama. Judge Oetken, as evident from the above stated facts, was and is aligned with the K11-7 corporate/state actors consequent to his prior legal representation of banking/insurance corporations. The 11th Circuit in Alabama, in arriving at its conclusion for disqualification, considered the fact that the district judge, in his capacity as a "**private lawyer**" had "**involved him in the disputed evidentiary facts of this case. Judge Clemon served as an attorney of record for individual plaintiffs in the school desegregation case ... many of the same institutions of higher learning as appear here.**" at 1545. Judge Oetken, in his private law career, represented many of the corporate shareholders of Defendants ICE/Allstate/Geico/TD, and the law required he disqualify himself at the commencement of the case. He did not, and used the case to illegally enrich himself and render a decision that he believed, albeit mistakenly, would further his career, at the expense of Kaul's life and through the exploitation/abuse of judicial authority.

p. Edgar v. K.L., 93 F.3d 256 (7th Cir. 1996): The question of whether off-the-record ex parte communications, constitute "**extrajudicial**" information, and thus "**personal**" knowledge was

answered by the 7th Circuit in the affirmative, and thus provided a basis for judicial disqualification. The Edgar Court reaffirmed the high standard to which the federal judiciary holds its members, by holding that even if only a possibility exists regarding a question of partiality, then the law demands that that question be explored: "**Thus all we have are possibilities. But these possibilities justify a request for emergency relief. See United States v. Balistreri, 779 F.2d 1191, 1204-05 (7th Cir. 1985); Pepsico, Inc. v. McMillen, 764 F.2d 458, 460 (7th Cir. 1985).**" at 258. Judge Oetken has admitted to ex parte communications, and has not placed on the record any official denial of such communications, despite Kaul having raised the issue in 'The McNulty Analysis' (K1: D.E. 313-1 Page ID 8397 Para. 9). These facts are anything other than "**possibilities**", and thus under the Edgar standard, disqualification is mandated.

C. 28 U.S.C. § 455 (b)(4) He knows that he, individually or as a fiduciary, or his spouse has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

30. The facts (possession of shares in corporate Defendants corporate shareholders) as asserted above, and as viewed from and through the perspective of a "**reasonable man**" do say, that the fiduciary interests of Judge Oetken and his spouse are aligned with those of the corporate defendants and or their representatives, and thus Judge Oetken is conflicted, and that conflict of interest will substantially affect the outcome of the case. The facts as asserted above do also prove that Judge Oetken has violated section (b)(4) of U.S.C. 455, and thus, in conjunction with violations of section 455 (a) + (b)(1) + (b)(2) and section 144, he must be disqualified. The law in support of this proposition is as follows:

31. The corollary to § 455(b)(4) in the Code of Conduct for the United States Judges is canon 3C(1)(c).

q. In re New Mexico Natural Gas Antitrust Litig., 620 F.2d 794, 796 (10th Cir. 1980): The 10th Circuit considered disqualification necessary if an "**other interest that would be substantially affected by the outcome of the proceeding**" at 795. This holding was consistent with the principle of proximity elements of 'remoteness' and 'contingency', which the 10th Circuit used to reverse the judge's sua ponte disqualification, but in which it stressed the need for disqualification if an "**other interest**" were affected by the outcome of the case. And thus, in accordance with the above facts and the law, Judge Oetken must be disqualified, as the outcome of the case will affect his "**other interests**" i.e., the value of his shares, and his reputation as a corporate friendly judge. The New Mexico standard mandates disqualification.

r. Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 860 n.8 (1988): Section (b) of 455 pertains to the existence of an actual bias/prejudice, and this case articulates the connection between the judge's knowledge of his conflict of interest and the remedy of vacatur: "**Moreover, as the Court of Appeals correctly noted, Judge Collins' failure to disqualify himself on March 24, 1982, also constituted a violation of § 455(b)(4) ... This separate violation of §**

455 further compels the conclusion that vacatur was an appropriate remedy; by his silence, Judge Collins deprived respondent of a basis for making a timely motion for a new trial and also deprived it of an issue on direct appeal." at 867. Judge Oetken's orders/judgments regarding discovery and dismissal of defendants must be vacated. Judge Oetken remained silent regarding his conflicts of interest when he arbitrarily and inexplicably denied Kaul's motion for summary judgment against defendant Allstate New Jersey Insurance Company (D.E. 5). If Judge Oetken were to object to disqualification after having witnessed/participated in a what has turned out to be an almost eleven (11)-year long scheme of obstruction of justice and criminal violations of Kaul's right to due process, it would irrefutably prove Kaul's charges that not only does Judge Oetken have the "**appearance**" of partiality, but that he is actually biased/prejudiced against Kaul, and thus must be disqualified. His failure to disqualify would prove that he is a party who is highly "**interested**" in the outcome of the case, for the reasons and facts identified above. It is of note that since the commencement of the case, Judge Oetken has not placed on the record his conflicts of interest, nor has he disclosed his Forms AO 10. The Court in furtherance of its opinion regarding the remedy of vacatur held:

"**Moreover, providing relief in such cases as this will not produce injustice in other cases; to the contrary, the Court of Appeals' willingness to enforce § 455 may prevent a substantive injustice in some future case by encouraging a judge or litigant to more carefully examine possible grounds for disqualification and to promptly disclose them when discovered. It is therefore appropriate to vacate the judgment unless it can be said that respondent did not make a timely request for relief, or that it would otherwise be unfair to deprive the prevailing party of its judgment.**" at 868.

32. Judge Oetken's orders of dismissal, denials of Kaul's motions and requests for discovery must all be vacated, as he knew from the beginning (August 19, 2021) that he was conflicted, that he failed to disclose these conflicts, and thus was legally prohibited from any involvement in the case. The defendants, in light of all of the facts now presented, cannot argue against the disqualification of Judge Oetken and the nullification of his orders as the only available consideration, is that justice be done: "**If we focus on fairness to the particular litigants ... greater risk of unfairness in upholding the judgment in favor of Liljeberg ... "The guiding consideration is that the administration of justice should reasonably appear to be disinterested as well as be so in fact." Public Utilities Comm'n of D.D. v. Pollak, 343 U.S. 451, 466-467 (1952)** at 870. There is no one to blame for this situation except Judge Oetken/the Defendants, whose kickback and bribery schemes have turned Judge Oetken's court into a **"racketeering enterprise".**

D. 28 U.S.C. § 455 (e) Waiver of Disqualification:

33. Kaul has provided no waiver of disqualification, nor could he, because Judge Oetken has not entered onto the record his financial disclosure statement and his conflicts of interest, past or present.

34. The corollary to § 455(e) in the Code of Conduct for the United States Judges is Canon 3D.

28. U.S.C. § 144 states:

> **E. 28 U.S.C. § 144 Whenever a party to a proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias, or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.**

35. The facts of personal bias and prejudice, as asserted in the attached affidavit are specific in time/place/character, are "**substantial and formidable**" and thus mandate that Judge Oetken, "**shall proceed no further in the case**". The affidavit is timely submitted and contains certain statements that are made upon information and belief. The law in support of this section 144 application is:

S. Berger v. United States, 255 U.S. 22 (1921): The Court's multiple holdings as to the questions of sufficiency of affidavit and the key question of who adjudicates the application are found at:

Id 34 – "**Of course the reasons and facts for the belief the litigant entertains are an essential part of the affidavit and must give fair support to the charge of a bent of mind that may prevent or impede impartiality of judgment ... The facts and reasons it states are not frivolous or fanciful but substantial and formidable...**"
Kaul's affidavit contains fact that proves the partiality against Kaul, of Judge Oetken's biased/prejudicial state-of-mind.

Id 35 – "**And there is no serious detriment to the administration of justice nor inconvenience worthy of mention, for of what concern is it to a judge to preside in a particular case; of what concern to other parties to have him so preside.**"
Kaul's affidavit and the accompanying section 455 motion are based on fact that prove a partiality of Judge Oetken's mind against Kaul, a partiality that is in part a consequence of his commercial interest in the outcome of the case. Judge Oetken is not a disinterested party to the case, nor is he in possession of the "**disinterestedness**", that impartiality requires. If Kaul were to win the case, Judge Oetken's economic/professional standing within the legal community would diminish, and if Kaul were to lose the case or have it dismissed, his standing would be enhanced. This is because of the "**politico-legal-economic nexus**" that connects the facts, events and parties involved in the illegal revocation of Kaul's license (April 9, 2013, to March 12, 2014) to the facts, events and parties identified **The Kaul Cases**, in which Judge Oetken's

sponsor and potential appellate sponsor, Senator Schumer, was a Defendant (K3). A victory for Kaul in K11-7 would unquestionably invalidate the illegal revocation and cause those state/private actors central to the scheme to become subject to criminal prosecution by federal authorities. Evidence Tampering/Obstruction of Justice are felonies, but many of the state defendants, including K2 defendants Solomon + Hafner, knew this before and while they were committing the crimes. They have no defense of ignorance.

Id at 36 – **"... tribunals of the country shall not only be impartial in the controversies submitted to them but shall give assurance that they are impartial ... from any "bias or prejudice" that might disturb the normal course of impartial judgment ... To commit to the judge a decision upon the truth of the facts gives chance for the evil against which the section is directed. The remedy by appeal is inadequate. It comes after the trial and, if prejudice exists, it has worked its evil and a judgment of it in a reviewing tribunal is precarious. It goes there fortified by presumptions, and nothing can be more elusive of estimate or decision than a disposition of a mind in which there is a personal ingredient."**
Since at least April 2, 2012, Kaul has been the victim of a non-stop series of violations of his constitutional/human rights, that commenced with K2 defendant, NJBME, and continued through the administrative board proceedings (April 9, 2013, to December 13, 2013), the New Jersey Superior Court system, the United States Bankruptcy Court for the District of New Jersey and the United States District Court for the District of New Jersey, into the present. Massive state orchestrated crimes were committed against Kaul by members of the political/legal /medical/business communities within the geographic boundaries of New Jersey. The injustices to which Kaul has been subjected were referenced by his lawyer in the administrative board proceeding: **"So now what they want you to do is they want to say, look, here you go, TZ here you go, consider this. And let him testify outside his report without a hearsay exception as a business record because, by the way, we're in the OAL office and it's very liberal and carefree. Absolutely not, Judge. It's fundamentally unfair. I already as part of my cross this doctor testified about things he didn't even opine about in his reports. So we got to cut it off somewhere. Somewhere there has to be some level of fairness."** (K1: D.E. 299-22 Page 7511). A **"reasonable man"** looking at the facts of the almost last eleven (11) years might say to himself in regard to Defendants Allstate/Christie/State of NJ: **"what you think you gain in America you will lose in India".** Kaul asserts that he would have willingly trained the defendant physicians, had they simply asked. The reason they did not, was their arrogance and misguided calculation about Kaul, an individual whom the defendants assumed would **"pack his bags and leave"**. Before you pick a fight with a man, you should know in what fights that man has been. Win or lose, conflict confers courage. Judge Oetken seeks to summarily deprive Kaul/his children of their right to life. That will not happen, as Kaul will ensure that Judge Oetken is held accountable by the law and the New York standards of professional conduct.

F. Kaul's application for disqualification is timely:

36. Kaul has submitted this application in a timely manner. On September 14, 2022, Kaul submitted a letter (D.E. 170), in which he requested Judge Oetken disclose his financial

holdings/ conflicts of interest and raised the issue of judicial corruption. This disqualification application is submitted less than four (4) weeks after this letter.

37. However, section 455 specifies no particular time within which the disqualification application be submitted, but the generally held opinion of the circuit courts is that it occurs "**at the earliest moment after knowledge of the facts demonstrating the basis for such disqualification.**" See Travelers Ins. Co. v. Liljeberg Enters., Inc., 38 F.3d 1404, 1410 (5th Cir. 1994). See also Apple v. Jewish Hosp. & Med. Ctr., 829 F.2d 326, 333 (2d Cir. 1987). In determining timeliness, the 2nd Circuit has developed a four (4) part test: **(1)** whether the movant has participated in a substantial manner in trial or pretrial proceedings – the record reflects that Kaul has participated in a substantial manner: **(2)** whether granting the motion would waste judicial resources – the case did not even enter discovery, and thus relatively minimal judicial resources were expended; **(3)** whether the motion was made after judgment – Kaul filed this motion/affidavit only once as permitted by law, and only after Judge Oetken failed to disclose his financial holdings/ex parte communications; **(4)** whether the movant can show good cause for delay – There has been no delay, in that Kaul has filed this motion within four (4) weeks of coming to know about the conflicts of interest.

38. However, of even more import is the fact that Judge Oetken has, from the commencement of the case, known that he was conflicted, had an "**appearance**" of partiality and ought to have disqualified himself. In In re Kensington Int'l Ltd., 368 F.3d 289 (3d Cir. 2004) the Third Circuit held that where a judge knew he or she was conflicted or had an "**appearance**" of partiality, the moving party could be not held responsible for whether a motion was filed in a timely manner. Kaul is a pro se litigant, and Judge Oetken had the responsibility of declaring his conflicted position, and not waiting for Kaul to 'pull back the curtain'. Kaul's almost eleven (11) year journey through the legal swamps/dishonesty of New Jersey's medico-legal-political communities has been nothing short of "**fantastical**". It will be only when some of these Defendants land in jail, that they will recognize and truly admit their crimes. K2 defendant Hafner described Kaul as "**arrogant**" (K1: D.E. 179 Page ID 2365 + D.E. 299-22 Page ID 7516), because he refused to accept her false and illegal case against him. Defendant Hafner should look into her own wicked heart before she points her finger at anyone else.

Conclusion + Relief Sought

Kaul respectfully asserts that based on the above facts/reasons/arguments, Judge James Paul Oetken be disqualified from K11-7, and that all orders entered onto the dockets be immediately vacated, including the September 12, 2022, order at D.E. 168.

Kaul respectfully asserts that Judge James Paul Oetken be required to disclose to the record all his financial holdings for the period from September 2017 to September 2022, in accordance with the rules and regulations of the Guide to Judiciary Policy, Volume 2D, Chapter 1 to Chapter 6, as revised on March 23, 2018, and in accordance with the terms of the September 13, 2022, demand at D.E. 170.

Kaul respectfully asserts that Judge Oetken be required to disclose to Kaul and the record the full extent and substance of any and all ex parte communications as set forth at D.E. 170. All communications must include any form of information exchange to include but not limited to: **(i)** texts; **(ii)** face to face conversations: **(iii)** e-mails; **(iv)** typed letters: **(v)** handwritten letters; **(vi)** telephone conversations conducted via cellular phone or land line.

We, the Propria Persona Plaintiffs, do hereby certify and swear under penalty of perjury that the foregoing information and facts are true and accurate to the best of our knowledge, and that if it is proved that we knowingly and willfully misrepresented the facts, then we will be subject to punishment. We also certify, pursuant to Section 144, that this application for disqualification/vacatur is submitted in good faith.

Dated: October 6, 2022

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Order

~~It is hereby ordered that on October 7, 2022, that unless Judge James Paul Oetken immediately~~ brings himself into compliance with legal authority regarding judicial disclosures, the law will deem him to be in knowing violation, and he will be immediately disqualified from any further administrative, ministerial, legal, or other involvement in either K11-7, or in any other case that involves Plaintiff Kaul and or Basch.

It is hereby ordered that on October 7, 2022, that unless Judge James Paul Oetken immediately brings himself into compliance with legal authority regarding judicial disclosures, the law will deem him to be in knowing violation, and he will become subject, and will willingly submit to investigative/disciplinary action by state/federal regulators.

It is hereby ordered that on October 7, 2022, that unless Judge James Paul Oetken immediately brings himself into compliance with legal authority regarding judicial disclosures, the law will deem him to be in knowing violation, and it will be hereby ordered that on October 8, 2022, all orders entered by Judge James Paul Oetken are immediately nullified, including the September 12, 2022, order at D.E. 168.

It is hereby ordered that on October 7, 2022, unless the defendants, by October 21, 2022, rebut/refute/deny/contest the evidence submitted in support of Kaul's motion for summary judgment against Defendant Allstate New Jersey Insurance Company (D.E. 5), it will be deemed to have proven Kaul's case against Defendant Allstate.

Dated: October 6, 2022.

s/p United States District Court

Exhibit 1

www.drrichardkaul.com

September 13, 2022

Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Kaul/Basch v ICE et al
21-CV-06992
K11-7
Financial disclosures/conflicts of interest/ex parte communications

Dear Judge Oetken,

We write this letter with the utmost respect for you and the federal judiciary, and in recognition of the immense pressures that the above case must have brought to bear on your judgment. However, it is our position, one that is authorized by law and by our rights, that the opinion and order entered on September 12, 2022, will remain invalid until the following information has been disclosed to the record:

1. Forms AO 10 since 2020.

2. Information required pursuant to the Courthouse and Transparency Act.

3. A list of all ex parte communications between yourself and any agents acting on your behalf, and the Defendants or any agents acting on their behalf, that pertains/relates/refers/references or are in any way associated with the aspect of any of K11-7 or any of **The Kaul Cases**, including but not limited to: **(i)** the delivery and or receipt of any favor/gift/benefit/advantage/interest to you and or any member of your family to the third-degree, by the Defendants and or their agents in return for granting their motions; **(ii)** the promise of any future delivery and or receipt of any favor/gift/benefit/advantage/interest to you and or any member of your family to the third-degree, by the Defendants and or their agents in return for granting their motions. The pertinent time period is August 19, 2021, to the present.

As you are aware, the issue of judicial corruption has unfortunately appeared prominently within **The Kaul Cases**, and was featured in a series of Wall Street Journal articles in September

2021 (K11-7: D.E. 25 Page 1 – 46 of 50). Consequent to this publicity, and in or around May 2022, the Courthouse Ethics and Transparency Act was passed in response to public pressure against judicial corruption (**Exhibit 1**). Senator Ted Cruz was one of the co-sponsors, a person to whose attention, in January 2021, I brought the issue of judicial corruption (**Exhibit 2**). The misconduct of Senator Charles Schumer regarding his **"Political interference in judicial process"** is highlighted in the letter to Senator Cruz. I understand your appointment to the bench was sponsored by Senator Schumer.

Our request for the public disclosure of the above financial information relates to the fact that your opinion/order are so thoroughly divorced from the evidence/facts/arguments/law of this case, that one cannot but conclude that you, like U.S.D.J. Kevin McNulty (U.S.D.C.-DNJ), Senator Schumer's brother-in-law, have been corrupted. U.S.D.J. McNulty engaged in the same opinion falsifying activity in K1 (D.E. 313-1), as now appears in K11-7 (D.E. 168).

Our request for the public disclosure of all ex parte communications pertains, in part, to the dissemination of notices of preservation to various ex-members of the political/legal/judicial establishment, including Jose Linares, the ex-Chief Judge of the District of New Jersey, who, in mid-late May 2019, suddenly retired from the bench, and took partner status at the law firm of English & McCarter in Newark, New Jersey, after having received a letter from me, requesting his financial disclosure/conflicts of interest (**Exhibit 3**). On May 5, 2022, Mr. Linares was served with a NOTICE OF PRESERVATION in K11-7 (**Exhibit 4**).

We respectfully assert that the principles underpinning Rules 144/455, and those of the due process clauses of the Constitution, are authoritative in this matter, and do render your opinion/order void until your impartiality/lack of bias has been evidentially established.

We thank you for your attention to this matter.

Yours sincerely

RICHARD ARJUN KAUL, MD

DAVID BASCH, MD

cc: All Counsel of Record
All parties with a legal or other interest

Exhibit 2

KAUL/BASCH v ICE
21-CV-06992
K11-7
'THE OETKEN ANALYSIS'

The Court's opinion, one clumsily drafted by Defendants' lawyers, resonates with a tone of hurried desperation, and other than constituting evidence of a corrupted state-of-mind, is replete with errors of logic/fact/law and fails, intentionally no doubt, to reflect the enormous body of highly incriminating evidence. The fact that the final filing in the case was February 14, 2022, and the Court's mere twenty (20) page analysis free summary opinion, was issued on September 12, 2022, is consistent with the Defendants conversion of this court into a **"racketeering enterprise"**, purposed to continue the decade-plus-long violation of Kaul's human/constitutional right to life/liberty/justice and to attempt to provide further cover for their crimes. The length of time, the brevity of the opinion and the lack of analysis of submitted argument, suggest a conspiracy to convey a knowingly false impression regarding dismissal, in order to violate Kaul's ability to exercise his right to commence actions in other district courts; and now the judge, in knowing contravention of the law, seeks to deny Kaul his basic human right to exist, through the instrument of the United States District Court.

The falsity of the opinion is proven by Kaul's argument, which is uncontested by the Defendants and unanalyzed by the judge. The point-by-point analysis identifies which of Kaul's arguments undermines the judge's opinion:

Introduction
"This case is another chapter in a long saga of repetitive frivolous lawsuits ... violations arising out of this set of facts." (D.E. 168 Page 1 to 2 of 20) This statement, which is inherently contradictory, undermines the entire opinion, by asserting that K11-7 is identical to all prior cases, and that because all prior cases are allegedly frivolous, that K11-7 is therefore frivolous, but then concludes by stating that K11-7 is based on a **"set of facts"**, a condition that equates with merit and not frivolousness. The judge, in attempting to violate Kaul's right to pursue litigation on the admitted facts, thwarted the basis of his opinion that falsely held K11-7 is frivolous, from which he falsely granted the Defendants motion for an injunction. The judge admitted that the information on which K11-7 was based, constituted **"facts"** and not unsubstantiated assertions. It is the judge's opinion that is **"frivolous"** and without merit.

I. Background
A. Filing History – "In March 2014 ... But Kaul continues to file lawsuits in various jurisdictions." (D.E. 168 Page 2 to 4 of 20) It is evident that the thrust of the judge's fraudulent strategy is to misrepresent, mischaracterize and or omit critical components of the record of **The Kaul Cases**, with the most glaring omissions being those of K11-7, the case in question. In this section, the judge implies that because K11-7 is allegedly identical to all prior cases and because Kaul received no relief, that K11-7 is frivolous, but incredulously, Kaul continues to

pursue litigation. Kaul commenced no new litigation after the filing of K11-7 on August 19, 2021, in the hope that the judge would adhere to controlling authorities and follow the **"set of facts"**. The judge failed to analyze any of Kaul's arguments regarding the factual/legal distinction of K11-7 from all prior cases, but instead rendered an opinion that consists entirely of a selective regurgitation of elements of prior and irrelevant cases. Kaul's arguments are at:

1. Overview of Opposition (D.E. 77 page 6 of 57) – UNREFUTED/UNANALYZED/ADMITTED

2. Allstate's fraudulent case against Kaul/others (D.E. 77 Page 8 of 57) UNREFUTED/UNANALYZED/ADMITTED

3. The securities fraud crimes were committed in the State of New York (D.E. 77 Page 11 of 57) UNREFUTED/UNANALYZED/ADMITTED

4. U.S.D.J. Tanya Chutkan denied Defendant Allstate's motion to dismiss K5 (D.E. 47), while U.S.D.J. Alison Burroughs denied Defendant Allstate's motion to transfer K11-2 (D.E. 27) to the District of New Jersey (D.E. 77 Page 11 of 57) UNREFUTED/UNANALYZED/ADMITTED

5. The District of Massachusetts entered an order granting Kaul's IFP application and ordered the U.S.M.S. to serve the Defendants at the cost of the United States Government (D.E. 77 Page 12 of 57) UNREFUTED/UNANALYZED/ADMITTED

6. K11-7 is factually/legally distinct from K11-4 (D.E. 77 page 13 of 57) UNREFUTED/UNANALYZED/ADMITTED

7. K11-7 is factually/legally distinct from K11-9 and the warrantless arrest of Kaul on May 27, 2021, remains unlawful (D.E. 77 page 14 of 57) UNREFUTED/UNANALYZED/ADMITTED

8. K11-7 is legally/factually distinct from K11-2, the operative facts occurred in New York, and thus the law supports Kaul's choice of forum UNREFUTED/UNANALYZED/ADMITTED

9. Unsupportive judicial opinion (D.E. 89 page 8 of 87) UNREFUTED/UNANALYZED/ADMITTED

10. Introduction – K11-7 is factually/legally distinct from all prior cases (D.E. 89 page 10 of 87) UNREFUTED/UNANALYZED/ADMITTED.

11. Defendants motion for an anti-injunction suit is frivolous (D.E. 89 Page 10 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

12. The Kaul Cases Defendants have failed in their prior injunctive and quasi-injunctive efforts (D.E. 89 Page 11 of 87) - UNREFUTED/UNANALYZED/ADMITTED

13. The Defendants have submitted no evidence that Kaul's claims are vexatious, frivolous and or harassing, and have effectively admitted the veracity of the plausibly pled RICO predicate acts (D.E. 89 Page 20 of 87) UNREFUTED/UNANALYZED/ADMITTED

14. K11-7 is legally/factually distinct to all prior cases, including K1, is based on new evidence, new injuries and is a new claim, not subject to res judicata or Rule 41 of the FRCP (D.E. 105 Page 26 of 56) UNREFUTED/UNANALYZED/ADMITTED

15. The Defendants "All Writs Act Injunction" argument is false and fails to satisfy the necessary legal standard (D.E. 105 Page 30 of 56) UNREFUTED/UNANALYZED/ADMITTED

16. Kaul's claims satisfy federal pleading standards and Defendant ICE has not proved otherwise (D.E. 106 Page 12 of 35) UNREFUTED/UNANALYZED/ADMITTED

17. The facts find that venue is proper in the Southern District of New York (D.E. 106 Page 22 of 35) UNREFUTED/UNANALYZED/ADMITTED

18. Defendant TD's Rooker-Feldman and abstention doctrine defenses have been rejected by all courts within the United States District Court (D.E. 110 Page 10 of 63) UNREFUTED/UNANALYZED/ADMITTED

19. K1 remained active on the district court docket, until it was dismissed pursuant to Rule 41(a)(2) on November 16, 2021 (D.E. 110 Page 16 of 63) UNREFUTED/UNANALYZED/ADMITTED

20. Res judicata as to K1 provides TD no defense (D.E. 110 Page 17 of 63) UNREFUTED/UNANALYZED/ADMITTED

21. Res judicata as to Defendant TD's suit in the Morris County Court provides Defendant TD no defense (D.E. 110 Page 18 of 63) UNREFUTED/UNANALYZED/ADMITTED

22. The Defendants have failed to disprove that the SDNY is the proper venue and failed to prove, or otherwise show that K11-7 should be dismissed with prejudice (D.E. 136 Page 12 of 55) UNREFUTED/UNANALYZED/ADMITTED

23. The Defendants have submitted no evidence/facts that disprove facts submitted by Kaul that venue is proper in the SDNY, and that K11-7 comports with the venue analysis standards identified in cases erroneously cited by Defendants in support of their argument to dismiss K11-7 with prejudice (D.E. 136 Page 14 of 55) UNREFUTED/UNANALYZED/ADMITTED

24. The Defendants' failure to factually satisfy the standards for vexatiousness/malice/abuse/frivolousness/harassment, as identified in the cited cases, is fatal to its frivolous injunctive plea (D.E. 136 Page 19 of 55) UNREFUTED/UNANALYZED/ADMITTED

25. Defendants defense fails for lack of support in fact or law (D.E. 138 Page 5 of 32) UNREFUTED/UNANALYZED/ADMITTED

26. The facts undermine a "second dismissal rule" defense (D.E. 138 Page 8 of 32) UNREFUTED/UNANALYZED/ADMITTED

27. Res judicata is inapplicable because K11-7 is based on new evidence/facts/injuries, is a new cause of action, the voluntary dismissal motion of K1 was entered by USDJ Vazquez without opposition, K5 terminated without opposition, and in prior cases, the Defendants committed a 'Fraud on the Court' (D.E. 138 Page 9 of 32) UNREFUTED/UNANALYZED/ADMITTED

28. Defendant AHS has failed to satisfy its burden of proof to disprove Kaul's proof that the SDNY is the proper venue, and that the DNJ is not the proper venue (D.E. 138 Page 17 of 32) UNREFUTED/UNANALYZED/ADMITTED

29. Defendant Heary's application of his cited legal standards to K11-7 jurisdiction/venue facts actually proves that he is both personally/generally subject to the jurisdiction of the SDNY, and that the SDNY is the proper venue (D.E. 154 Page 16 of 93) UNREFUTED/UNANALYZED/ADMITTED

30. The claims satisfy the Rule 8 standard set forth in Defendant Heary's cited cases (D.E. 154 Page 22 of 93) UNREFUTED/UNANALYZED/ADMITTED

31. The procedural facts of The Kaul Cases neither support any preclusion defenses nor an application of New Jersey preclusion law (D.E. 154 Page 25 of 93) UNREFUTED/UNANALYZED/ADMITTED

32. Defendant Heary's plea for an anti-suit injunction is frivolous and without factual/legal foundation, as he has admitted claiming conclusive/undisputed fact in the ADMISSIONS BY DEFENDANT ROBERT HEARY OF UNDISPUTED FACTS, has failed in his previous injunctive efforts and fails to satisfy the necessary burden of proof/legal standard (D.E. 154 Page 30 of 93) UNREFUTED/UNANALYZED/ADMITTED

33. Defendant Heary's argument, pleading to injunct his prosecution by Kaul, is identical to the arguments of Defendants FSMB/Hengerer/ICE/TD/Geico/Stolz/Christie/Murphy/Grewal who in their motions failed to satisfy their burden of proof and who in their reply briefs failed to disprove Kaul's evidence that there exists no factual/legal basis for an injunction (D.E. 154 Page 32 of 93) UNREFUTED/UNANALYZED/ADMITTED

34. The claims satisfy the Rule 8 standard set forth in Defendant Heary's cited cases (D.E. 155 Page 23 of 93) UNREFUTED/UNANALYZED/ADMITTED

35. Defendant AHS's injunctive plea fails because it is factually unsupported and is based on law that Kaul has previously differentiated; a differentiation that Defendant AHS has failed to refute (DS.E. 158-1 Page 9 of 12) UNREFUTED/UNANALYZED/ADMITTED

36. Defendant Allstate's failed injunctive and quasi-injunctive pleas (D.E. 160 Page 6 of 13) UNREFUTED/UNANALYZED/ADMITTED

37. Defendant Allstate's fact-free injunctive application either fails to satisfy the standards set forth in its own citations or cites to irrelevant cases (D.E. 160 Page 6 of 13) UNREFUTED/UNANALYZED/ADMITTED

38. Defendant AHS's injunctive plea fails because it is factually unsupported and is based on law that Kaul has previously differentiated; a differentiation that Defendant AHS has failed to refute (D.E. 162 Page 9 of 11) UNREFUTED/UNANALYZED/ADMITTED

39. However, even if such a fraud had not been committed, the K11-1 opinion/order is irrelevant to K11-7, as the latter is factually/legally distinct from the former and is based on the facts of the "New York Scheme", the 'Kaul Kidnapping Scheme' and the securities fraud scheme ..." (D.E. 164 Page 2 of 16). UNREFUTED/UNANALYZED/ADMITTED.

The admittance of these thirty-seven (37) arguments by the Defendants and the Court, renders null/void the judge's basis for his knowingly fraudulently dismissal with prejudice and injunction, that basis being the false proposition that K11-7 was identical**/" substantially similar"** to the prior cases.

B. Factual Background – "The amended complaint follows the pattern of Plaintiff Kaul's earlier filings ... order/judgments adverse to Plaintiff Basch and other physicians, while entering order/judgments advantageous to Defendant Geico." (D.E. 168 Page 4 to 7 of 20). The Court's cursory delineation of the charges, although set under the heading of **"Factual Background"**, purposefully avoids an honest recitation of the unrefuted/admitted fact that Kaul/Basch have pled for each element of each charge. The Court's failure to cite to any of the massive corpus of charge conclusive evidence within the three thousand, five hundred and thirty-three (3533) page case file, evidences his corrupted state-of-mind, and further underscores his commission of a 'Fraud on the Court'. More specifically, however, this section is a transparent attempt to frame Kaul/Basch's claims as non-compliant with federal pleading standards, as part of an effort to manufacture a claim insufficiency basis for dismissal. However, as with the knowingly false **"frivolous"** element of the Court's opinion, this too is rendered null/void by the Defendants failure to rebut, and the Court's failure to analyze/reject the pleading standard arguments asserted by Kaul/Basch. The arguments are at:

1. District judges within the United States District Court have rejected The Kaul Cases Defendants 12(b)(6)/Rule 8 defenses (D.E. 81 Page 7 of 17) - UNREFUTED/UNANALYZED/ADMITTED.
2. Kaul's plausibly pled RICO claims against Defendant Allstate satisfy federal pleading standards set forth in Rules 8/9 of the F.R.C.P. and Twombly/Iqbal and plead all requisite elements (D.E. 81 Page 11 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
3. Defendant Allstate has no defense against Kaul's RICO claims (D.E. 81 Page 12 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
4. The Section 1983 Claim is legally sufficient and pleads the requisite elements (D.E. 81 Page 15 of 17) - UNREFUTED/UNANALYZED/ADMITTED.
5. The Complaint provides Defendant Allstate fair notice of its alleged offenses and liabilities (D.E. 81 Page 16 of 17) - UNREFUTED/UNANALYZED/ADMITTED.
6. The claim conclusive evidence within The Kaul Cases has been neither refuted nor found to be meritless by any judge within the United States District Court (D.E. 89 Page 10 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
7. There is no evidence within The Kaul Cases, that the claims are vexatious, harassing and or frivolous (D.E. 89 Page 12 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
8. The Defendants arguments regarding RICO/Section 1983 claim sufficiency are false (D.E. 89 Page 15 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
9. The claims satisfy federal pleading standards, including Rule 8 (D.E. 89 Page 16 of 87) - UNREFUTED/UNANALYZED/ADMITTED.
10. The legal standards set forth in the cases cited by the Defendants are either inapplicable or satisfied by the claims (D.E. 89 Page 17 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

11. Kaul has plausibly pled the existence of an association-in-fact RICO enterprise (D.E. 89 Page 18 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

12. The RICO predicate acts are pled to the standards required at pleading (D.E. 89 Page 19 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

13. Kaul has provided the Defendants fair notice of their liability pursuant to the Section 1983 claim (D.E. 89 Page 20 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

14. The Defendants have submitted no evidence that Kaul's K11-7 claims are vexatious, frivolous and or harassing, and have effectively admitted the veracity of the plausibly pled RICO predicate acts (D.E. 89 Page 20 Of 87) - UNREFUTED/UNANALYZED/ADMITTED.

15. The Defendants motion for a permanent injunction is made in extremely "bad faith" as they, in collusion/conspiracy with The Kaul Cases Defendants, are simultaneously employing tactics of delay/fraud to obstruct Kaul's applications for state licensure and are knowingly perpetuating an "ongoing pattern of racketeering" and violation of Kaul's constitutional/human rights (D.E. 89 Page 21 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

16. Kaul's pleading of the RICO predicate acts of mail/wire fraud satisfies Rule 9 (b) and the standards set forth in the cited cases and does provide fair notice (D.E. 105 Page 10 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

17. Defendant GEICO has failed to specifically identify what facts, if any, are allegedly absent from Kaul's RICO claims (D.E. 105 Page 11 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

18. Kaul's claims satisfy the RICO predicate act pleading standard set forth in the law cited by Defendants (D.E. 105 Page 12 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

19. SCOTUS case law regarding mail/wire fraud pleading standards equates to the statutory standards (D.E. 105 Page 13 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

20. The specificity of the mail/wire fraud claims pled against Defendant Geico in K11-7 provide an equivalent degree of fair notice as did those in K5 (D.E. 105 Page 13 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

21. The pleading standard of all ROCO predicate acts, other than mail/wire fraud, is that directed by Twombly/Iqbal and Rule 8 (D.E. 105 Page 14 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

22. Kaul has plausibly pled the existence of an association-in-fact RICO enterprise (D.E. 105 Page 14 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

23. Defendants association-in-fact pleading argument, is unsupported by all cited cases, none of which invalidate controlling Supreme Court law, legislative intent and or statute text (D.E. 105 Page 15 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

24. Kaul's claims satisfy the pleading standard established in Turkette (1981), validated in Boyle (2009) and relief upon in Penguin (2014) (D.E. 105 Page 16 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

25. The claims plausibly plead the "operation and management" element (D.E. 105 Page 16 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

26. RICO does not statutorily require the pleading of a nexus between the "pattern of racketeering" and the injury, independent of that caused by the RICO predicate acts (D.E. 105 Page 17 of 56).

27. Kaul's claims satisfy the "by reason of" the "pattern of racketeering" standard set forth in case law, as it relates to the "pattern-injury" nexus (D.E. 105 Page 19 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

28. Defendants **"pattern of racketeering"** is **"ongoing",** and thus the statute of limitations is constantly accruing (D.E. 105 Page 20 of 56) - UNREFUTED/UNANALYZED/ADMITTED. **"The Oetken Scheme"** an element of the **"New York Scheme"** is **"ongoing"** within the State of New York, and likely commenced in late 2021.

29. Kaul's pleading of the Section 1983 claim satisfies federal pleading standards and provides fair notice to Defendant (D.E. 105 Page 23 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

30. Within K11-7, Kaul plausibly pleads and there exists evidence that Defendant ICE conspired with Defendants Christie/Allstate/TD/Geico to conceal the securities fraud crime (D.E. 106 Page 9 of 35) - UNREFUTED/UNANALYZED/ADMITTED.

31. Kaul's claims satisfy federal pleading standards and Defendant ICE has not proved otherwise (D.E. 106 Page 12 0f 35) - UNREFUTED/UNANALYZED/ADMITTED.

32. Kaul's claims satisfy the pleading standards set forth in cases cited by Defendant ICE (D.E. 106 Page 13 of 35) - UNREFUTED/UNANALYZED/ADMITTED.

33. Defendant ICE has submitted no proof or showing that any of the K11-76 claims do not contain a **"short and plain statement of the claim"** or are otherwise insufficient (D.E. 106 Page 17 of 35) - UNREFUTED/UNANALYZED/ADMITTED.

34. Kaul's pleading of the RICO predicate acts of mail/wire fraud satisfies the Rule 9 standard (D.E. 106 Page 20 of 35) - UNREFUTED/UNANALYZED/ADMITTED.

35. The Section 1983 claim provides fair notice to Defendant ICE of its 'state-actor' status and its violations of Kaul's constitutional rights (D.E. 106 Page 23 of 35).

36. The Section 1983 claim complies with the controlling legal standards of pleading (D.E. 106 page 24 of 35) - UNREFUTED/UNANALYZED/ADMITTED.

37. The K11-7 claims contain plausibly pled fact that satisfies the applicable legal standard regarding the non-conclusory nature of a claim (D.E. 106 Page 26 of 35).

38. The plausibility of Kaul's claims pertains to the uncontested fact that it received regulatory favors from Defendant Christie, in return for decimating Kaul's financial position. (D.E. 110 Page 9 of 63) - UNREFUTED/UNANALYZED/ADMITTED.

39. The K11-7 claims satisfy the statutory "by reason of" standard, as held in Holmes/Anza (D.E. 110 page 21 of 63) - UNREFUTED/UNANALYZED/ADMITTED.

40. The K11-7 claims plead plausible fact in support of the **"participation"** and **"by reason of"** elements of RICO (D.E. 110 Page 22 of 63) - UNREFUTED/UNANALYZED/ADMITTED.

41. Defendant TD's anti-suit injunction is without foundation, as it admitted to the undisputed fact on July 14, 2020 (D.E. 110 Page 24 of 63) - UNREFUTED/UNANALYZED/ADMITTED.

42. The Defendants' failure to factually satisfy the standards for vexatiousness/malice/abuse/frivolousness/harassment, as identified in the cited cases, is fatal to its frivolous injunctive plea (D.E. 136 Page 19 of 55) - UNREFUTED/UNANALYZED/ADMITTED.

43. Defendant AHS has submitted no proof, nor made any showing, to either disprove the K11-7 claims or show them to be implausible/conclusory and or non-compliant with all federal pleading standards (D.E. 138 Page 14 of 32) - UNREFUTED/UNANALYZED/ADMITTED.

44. Defendant Heary has submitted no evidence/facts/argument to prove or otherwise show that those submitted by Kaul do not satisfy federal pleading standards and actually assert a highly plausible case (D.E. 154 Page 20 of 93) - UNREFUTED/UNANALYZED/ADMITTED.

45. The claims satisfy the Rule 8 standard set forth in Defendant Heary's cited cases (D.E. 154 Page 22 of 93) - UNREFUTED/UNANALYZED/ADMITTED.

46. Defendant Heary has not proven/shown/disputed, nor could he, that the K11-7 claims in addition to the ADMISSIONS BY DEFENDANT HEARY OF UNDISPUTED FACTS provide "fair notice" of the facts/law on which the charges are brought, of the injuries caused and the relief sought and satisfy Rule 9 (D.E. 154 page 23 of 93) - UNREFUTED/UNANALYZED/ADMITTED.

47. Defendant Heary's plea for an anti-suit injunction is frivolous and without factual/legal foundation, as he has admitted to claiming conclusive/undisputed fact in the ADMISSIONS BY DEFENDANT ROBERT HEARY OF UNDISPUTED FACTS, has failed in his previous injunctive efforts and fails to satisfy the necessary burden of proof/legal standards (D.E. 154 Page 30 of 93) - UNREFUTED/UNANALYZED/ADMITTED.

48. Defendant Heary's argument, pleading to injunct his prosecution by Kaul, is identical to the arguments of Defendants FSMB/Hengerer/ICE/TD/Geico/Stolz/Christie/Murphy/Grewal who in their motion failed to satisfy their burden of proof and who in their reply briefs failed to disprove Kaul's evidence that there exists no factual/legal basis for an injunction (D.E. 154 page 32 of 93) - UNREFUTED/UNANALYZED/ADMITTED.

49. Defendant AHS admissions of UNDISPUTED FACT material to K11-7 claim proof, have permanently deprived it of any factual or legal basis on which to seek injunctive relief (D.E. 162 Page 8 of 11) - UNREFUTED/UNANALYZED/ADMITTED.

50. Defendant AHS's injunctive plea fails because it is factually unsupported and is based on law that Kaul has previously differentiated; a differentiation that Defendant AHS has failed to refute (D.E. 162 Page 9 of 11) - UNREFUTED/UNANALYZED/ADMITTED.

The admittance of these fifty (50) arguments by the Defendants and the Court, renders null/void any component of the judge's opinion that pertains/relates to claim sufficiency and or pleading standard compliance.

II Legal Standard

"Federal Rule of Civil Procedure ... "Nonetheless a pro se complaint must state a plausible claim for relief." (D.E. 168 Page 8 to 9 of 20). It is obvious that the judge was either always a Defendant in disguise or became one at some point in the case, as in recognizing that plaintiff's Complaint/unrebutted arguments either satisfied every legal pleading standard submitted by the Defendants or that the Complaint/unrebutted arguments identified the correct standard, he has either inserted not previously submitted standards and or ignored their unrebutted arguments that establish the Complaint complies with all pleading standards. The citations in question and the relevant points of the record are:

A. F.R.C.P. 8(a)(2)/(d)(1) + Strunk v US House of Representatives, 68 F. App'x 233, 253 (2d Cir. 2003) – The relevant arguments are:

1. District judges within the United States District Court have rejected The Kaul Cases Defendants 12(b)(6)/Rule 8 defenses (D.E. 81 Page 7 of 17) - UNREFUTED/UNANALYZED/ADMITTED.

2. Kaul's plausibly pled RICO claims against Defendant Allstate satisfy the federal pleading standards set forth in Rules 8/9 of the FRCP and Twombly/Iqbal and plead all requisite elements (D.E. 81 Page 11 of 17) - UNREFUTED/UNANALYZED/ADMITTED.

3. The claims satisfy federal pleading standards, including Rule 8 (D.E. 89 Page 16 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

4. The legal standards set forth in the cases cited by the Defendants are either inapplicable or satisfied by the claims (D.E. 89 Page 17 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

5. The Defendant's amendment argument is false (D.E. 89 Page 18 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

6. The RICO predicate acts are pled to the standards required at pleading (D.E. 89 Page 19 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

7. The Defendants have submitted no evidence that Kaul's K11-7 claims are vexatious, frivolous and or harassing, and have effectively admitted the veracity of the plausibly pled RICO predicate acts (D.E. 89 Page 20 of 87) - UNREFUTED/UNANALYZED/ADMITTED.

8. The pleading standard of all RICO predicate acts, other than mail/wire fraud, is that directed by Twombly/Iqbal and Rule 8 (D.E. 105 page 14 of 56) - UNREFUTED/UNANALYZED/ADMITTED.

Exhibit 9

(Rev. 7.30.2020)

ATTORNEY GRIEVANCE COMMITTEE
Supreme Court, Appellate Division
First Judicial Department
180 Maiden Lane, 17th Floor
New York, New York 10038
(212) 401-0800

JORGE DOPICO
Chief Attorney

Email Complaint and Attachments to: AD1-AGC-newcomplaints@nycourts.gov. In addition, please send **one copy** of your complaint and attachments **by regular mail** to the above address. (If you do not have a personal email account, please send two (2) complete sets of your complaint and all attachments. There may be a delay in processing your matter if it is not emailed. Please **do not** include any original documents because we are unable to return them.)

Background Information

Today's Date: 11/30/2022

Your Full Name: (Mr. Ms. Mrs.) RICHARD ARJUN KAUL, MD/DAVID BASCH MD

Address: 440c SOMERSET DRIVE

City: PEARL RIVER State: NY Zip Code: 10965

Cell Phone: 973 876 2877 Business/Home Phone: _____

Email Address: drrichardkaul@gmail.com

Are you represented by a lawyer regarding this complaint? Yes [✔] No [ ] If Yes:

Lawyer's Name: N/A

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Attorney Information

Full Name of Attorney Complained of: (Mr. Ms. Mrs.) JAMES PAUL OETKEN

Address: Room 706, 40 Foley Square

City: New York State: NY Zip Code: 10007

Business Phone: 212 805 0266 Cell Phone: _____

Email Address: _____

Date(s) of Representation/Incident: 11/30/2022

Have you filed a civil or criminal complaint against this attorney? Yes ☐ No ☑ If Yes:

If yes, name of case (if applicable): _____

Name of Court: _____

Index Number of Case (if known): _____

Have you filed a complaint concerning this matter with another Grievance Committee, Bar Association, District Attorney's Office, or any other agency? Yes ☑ No ☐

If yes, name of agency: JUDICIAL DISCIP. COUNCIL/SENATE JUDICIAL COM.

Action taken by agency, if any: PENDING

Details of Complaint

Please describe the alleged misconduct in as much detail as possible including what happened, where and when, the names of any witnesses, what was said, and in what tone of voice, etc. Use additional sheets if necessary.

The Respondent, a lawyer, who in his capacity as a judge, has admitted to having enagaged in a series of quid pro quo schemes/exparte communications, in which he received bribes for illegally dismissing a case (attached sheets).The Respondent, in his capacity as a lawyer, did represent corporations for many years, and did, when he became a judge, fail to recuse himself when these same corporations brought cases before him. In these matters, the Respondent, as the record shows, did almost always rule in favor of these corporations. This " pattern" has been in existence since at least 2017.

Complainant's Signature (Required): RICHARD ARJUN KAUL, MD/DAVID BASCH, MD

RKL DMB

Judicial Council of the SECOND Circuit

COMPLAINT OF JUDICIAL MISCONDUCT OR DISABILITY

To begin the complaint process, complete this form and prepare the brief statement of facts described in item 4 (below). The Rules for Judicial-Conduct and Judicial-Disability Proceedings, adopted by the Judicial Conference of the United States, contain information on what to include in a complaint (Rule 6), where to file a complaint (Rule 7), and other important matters. The Rules are available in federal court clerks' offices, on individual federal courts' websites, and on www.uscourts.gov.

Your complaint (this form and the statement of facts) should be typewritten and must be legible. For the number of copies to file, consult the local rules or clerk's office of the court in which your complaint is required to be filed. Enclose each copy of the complaint in an envelope marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY" and submit it to the appropriate clerk of court. **Do not put the name of any judge on the envelope.**

1. Name of Complainant: RICHARD ARJUN KAUL/DAVID BASCH
   Contact Address: 440c SOMERSET DRIVE, PEARL RIVER
   NY, 10965
   Daytime telephone: (973) 876 2877

2. Name(s) of Judge(s): JAMES PAUL OETKEN
   Court: SDNY

3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?
   [✔] Yes [ ] No
   If "yes," give the following information about each lawsuit:
   Court: SDNY
   Case Number: 21-CV-06992
   Docket number of any appeal to the N/A Circuit: N/A
   Are (were) you a party or lawyer in the lawsuit?
   [✔] Party [ ] Lawyer [ ] Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

N/A

4. **Brief Statement of Facts**. Attach a brief statement of the specific facts on which the claim of judicial misconduct or disability is based. Include what happened, when and where it happened, and any information that would help an investigator check the facts. If the complaint alleges judicial disability, also include any additional facts that form the basis of that allegation.

5. **Declaration and signature:**

I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.

(Signature) RKH - RICHARD ARSEN KAHN (Date) NOVEMBER 18, 2022

DBB - DAVID BASCH

STATEMENT OF FACTS

This complaint is filed under the Judicial Conduct and Disability Act of 1980, 28 U.S.C. §§ 351-364 and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, 249 F.R.D. 662 (U.S. Jud. Conf. 2008), and asserts that pursuant to the standard set forth in 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D) the within evidence proves and or at least raises an inference that U.S.D.J. James Paul Oetken did commit judicial misconduct, at a point in time between August 19, 2021, and September 12, 2022, in the matter of Kaul/Basch v ICE et al (21-CV-06992).

The evidence includes the tacit admissions by U.S.D.J. Oetken of bribery, conspiracy and exparte communications, who despite recognizing his legal obligations to disclose his financial holdings and exparte communications, has failed to submit this information, a fact that satisfies the 28 U.S.C. § 352(b)(1)(A)(iii); Rule 11(c)(1)(D) inference standard of judicial misconduct. This council has the jurisdiction and authority to order the disclosure of this information, and have definitively addressed the issue of misconduct. However, the Plaintiffs respectfully assert that if this council elects not to compel disclosure, the law will interpret non-election as a finding of misconduct.

The misconduct (bribery/conspiracy/exparte communications) was perpetrated within the State of New York, but this is not the first case in which U.S.D.J. Oetken has engaged in such acts. There exists a **"pattern"** within his case history of always ruling in favor of corporations, and in those cases in which all the litigants were corporations, he always ruled in favor of the largest corporation. An investigation could commence with a closer examination of this **"pattern"**, and a comparison with the financial holdings (stocks/bonds/shares) of U.S.D.J. Oetken in relation to the corporations in whose favor he ruled. This was one of the methods used by journalists at the Wall Street Journal, in researching their September 2021 stories on corruption in the federal judiciary.

This complaint is based not on the merits of U.S.D.J.'s opinion, but on an admitted fraud committed against the apparatus of justice, and does therefore not lie pursuant to 28 U.S.C. § 352(b)(1)(A)(ii); Rule 3(h)(3)(A). The Plaintiffs' decision not to appeal the order, pertains to the tardiness of the procedure inherent in attempting to raise on appeal the issue of 'Fraud on the Court', and is without effect as to the Plaintiffs' position that U.S.D.J.'s opinion is factually/legally erroneous. Similarly, to have appealed the order, as suggested by U.S.D.J. Oetken, would have constituted an admission of the legitimacy of the order and would have foreclosed this council from investigating this complaint, a fact known by U.S.D.J. Oetken. This tactic evidences U.S.D.J.'s wrongful state-of-mind, in that had he known he had not committed misconduct, he would not have attempted to coerce the filing of an appeal. It was the intention of U.S.D.J. Oetken to attempt to permanently foreclose the Plaintiffs from seeking recompense in the United States District Court, by directing the case into the appellate court, knowing that this process would be lengthy and likely would conceal his misconduct.

We declare under penalty of perjury that the statements made in this complaint are true and correct to the best of our knowledge.

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Date: November 18, 2022

Exhibit 10

FRIEDMAN & WITTENSTEIN
A PROFESSIONAL CORPORATION
1345 AVENUE OF THE AMERICAS
2ND FLOOR
NEW YORK, NEW YORK 10105

(212) 750-8700

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May 2, 2023

VIA ECF

The Honorable Jennifer L. Rochon
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kaul v. Intercontinental Exchange, et al.
1:23-cv-02016-JLR

Dear Judge Rochon:

We represent defendant Intercontinental Exchange ("ICE") in the above-referenced matter. We are writing to request that the Court dismiss plaintiff Kaul's Complaint based on the anti-filing injunction entered by Judge Oetken on September 12, 2022 in *Kaul v. Intercontinental Exchange*, Civil Action No. 21-cv-6992-JPO (DE 168) (the "Opinion").

Judge Oetken's Opinion spells out Kaul's history of filing numerous repetitive and meritless actions throughout the country. (Opinion at 2-4). In addition to dismissing Kaul's Complaint with prejudice against all defendants, including ICE, Judge Oetken entered a nationwide anti-filing injunction against Kaul:

> From the date of this Opinion and Order, Plaintiff Kaul is barred from filing in any United States district court any action, motion, petition, complaint, or request for relief against any of the Defendants named in this litigation that relates to or arises from (i) the denial of his medical license; (ii) subsequent litigation proceedings initiated by the Defendants here before the date of this Order; (iii) subsequent litigation proceedings initiated by Plaintiff Kaul before the date of this Order; without first obtaining leave from this Court. Any motion for leave must include the caption "Request for Permission to File under Filing Injunction" and must be submitted to the Pro Se Intake Unit of this Court along with Plaintiff Kaul's proposed filings.

> If Plaintiff Kaul violates this Opinion and Order and files any materials without first obtaining leave to file, any request will be denied for failure to comply with this Opinion and Order, and Plaintiff Kaul may be subject to sanctions, including monetary penalties or contempt. *See Schuster*, 2021 WL 1317370, at *11. The Court clarifies that this filing injunction does not prevent Kaul from filing an appeal from this Opinion and Order.

(Opinion at 19).

The present case, which repeats the same allegations and arises from the same events as Kaul's many prior cases—including *Kaul v. Intercontinental Exchange*, Civil Action No. 21-cv-6992-JPO—was commenced in clear violation of Judge Oeken's anti-filing injunction. Kaul never sought leave to file the present case, nor, to the best of our knowledge, did any of his papers include the caption "Request for Permission to File under Filing Injunction" as Judge Oetken required. (We are also copying Judge Oetken on this correspondence, as it is his Order that has been violated.)

We therefore respectfully request that the Complaint in this action be dismissed.

Respectfully submitted,

Stuart I. Friedman (WT)

cc: The Honorable J. Paul Oetken
Magistrate Judge Ona T. Wang
Richard Arjun Kaul

Exhibit 11

www.drrichardkaul.com

May 12, 2023

2023 MAY 12 AM 11:18

Honorable Jennifer L. Rochon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kaul/Basch v ICE: 23-CV-2016
K11-10
Plaintiffs Response to D.E. 27

Dear Judge Rochon,

We write this letter to respectfully inform you that the opinion/order entered on May 11, 2023, are, pursuant to the Federal Rules of Appellate Procedure not final, as there exist unadjudicated motions, and thus the opinion/order are invalid and without legal effect.

Specifically, these are the motions for Summary Judgment (D.E. 6/7/8/9) and Default (D.E. 22/23) against Defendant Heary, and moreover, and pursuant to F.R.C.P 36, Defendant Heary's failure to contest/refute/rebut/address the facts within the ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY (D.E. 9), which include facts probative of the 'Fraud on the Court', has caused these facts of racketeering offense/injury to be permanently admitted.

Similarly, Defendant ICE failed, not unexpectedly, and as predicted by RICO's vicarious liablity doctrine, to deny the fact, as stated by Plaintiffs Kaul/Basch (D.E. 24 Page 5 of 10), of their equal and conferred liablity for the facts of offense/injury committed and caused by all of the K11-10 Defendants, **"the crime of one becomes the crime of all"**.

The invalidity of the opinion/order, both procedurally and substantively, in that it fails to provide superseding authority to nullify the K11-7 'Fraud on the Court', in conjunction with the controlling law (D.E. 1 Page 82 of 169) regarding the filing of **"An Independent action to set the judgment aside brought in the same court of a <u>different court</u>"** and, arguably of most significance, the facts admitted in K11-10, do unequivocally substantiate a basis for action in a district court within the United States District Court.

However, should this Court decide to retroactively adjudicate the unresolved motions, any such adjudication will require that by May 24, 2023, as pursuant to the thirty (30) day mandate of Rule 36, Defendant Heary deny the facts within the ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY (D.E. 9). Failure to do so, will establish foundations for Summary Judgment against all K11-10 Defendants in any and all future actions.

The K11-10 Defendants, and U.S.D.J. Oetken, whose foolhardy copying by Defendant ICE (D.E.) converted him from a jurist to a witness/defendant, will remain subject to prosecution until the admitted facts are legitimately/legally litigated to conclusion.

We thank you for the time and effort you have contributed to this case.

Yours sincerely

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Exhibit 12

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ARJUN KAUL, MD;
DAVID BASCH, MD;
JANE DOE; JOHN DOE.

Plaintiffs

v.

INTERCONTINENTAL EXCHANGE; GEICO;
TD BANK; ALLSTATE INSURANCE COMPANY;
FEDERATION STATE MEDICAL BOARDS; ARTHUR HENRERER;
CHRISTOPHER J. CHRISTIE; DANIEL STOLZ;
ATLANTIC HEALTH SYSTEM; ROBERT HEARY;
PHILIP MURPHY; GURBIR GREWAL;
RIVKIN RADLER LAW FIRM; MAX GERSENOFF;
JANE DOE; JOHN DOE.

Defendants

CIVIL ACTION.: 23-CV-2016 (JLR)

RESPONSE TO DEFENDANT ICE LETTER

We, RICHARD ARJUN KAUL, MD and DAVID BASCH, MD, the Plaintiffs in the above matter do submit these papers in response to Defendant ICE's letter seeking to invalidate its co-commission in Kaul/Basch v ICE: 21-CV-06992 (K11-7) of a 'Fraud on the Court'.

Dated: May 5, 2023

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ARJUN KAUL, MD
DAVID BASCH, MD

Plaintiffs

v.

INTERCONTINENTAL EXCHANGE, ET AL

Defendants

CIVIL ACTION: 23-CV-2016 (JLR)

RESPONSE TO DEFENDANT ICE LETTER

CERTIFICATION OF SERVICE

We, RICHARD ARJUN KAUL, MD and DAVID BASCH, MD, the Plaintiffs in the above matter, do hereby certify **(I)** that the below statements are true and accurate to the best of our knowledge, and that if it is proved we willfully and knowingly misrepresented the facts, then we will be subject to punishment; **(II)** that counsel for Defendant was served a copy of the opposition papers on May 5, 2023.

Dated: May 5, 2023

RICHARD ARJUN. KAUL, MD

DAVID B. BASCH, MD

Statement of Fact/Argument

Plaintiffs respectfully refer the Court to the facts/arguments submitted in D.E. 1 (See especially Page 7-18 of 169)/D.E. 9/D.E. 10/D.E. 19 which in conjunction with existent undisputed material facts, do not only render defenseless all K11-10 Defendants, including Defendant ICE, but constitute proof sufficient for Summary Judgment.

'**Fraud on the Court**':

1. Defendant ICE failed to contest/refute/rebut/deny and or otherwise address the facts submitted in the September 13, 2022, letter (K11-7: D.E. 170) from Plaintiffs Kaul/Basch to the district judge: **"We respectfully assert that the principles underpinning Rules 144/455, and those of the due process clauses of the Constitution are authoritative in this matter, and do render your opinion/order void until your impartiality/lack of bias has been evidentially established."** and thus these facts became admitted, facts that substantiate the filing of K11-10 based on the doctrine of 'Fraud on the Court'.

2. The district judge did not provide the requested information sought in the September 13, 2022, letter and did not contest/refute/rebut/deny or otherwise address the within facts, which thus caused them to become admitted.

3. Defendant ICE failed to contest/refute/rebut/deny and or otherwise address the facts submitted in the K11-7 October 6, 2022, document (K11-7: D.E. 171) regarding the disqualification of the district judge: **"Upon assignment, Judge Oetken became aware that while a corporate lawyer, he had represented numerous members of the banking and insurance industry, many of whom, hold stock in Defendants ICE/Allstate/Geico/TD, and many in whom Judge Oetken currently holds stock, directly or indirectly ... #However, Judge Oetken failed to either recuse himself or bring this matter to the attention of Kaul or the Court. One of the motives for his failure of disclosure/recusal, was to retain his power to dismiss the case, an act he calculated would increase the value of his investment portfolio ... It is hereby ordered that on October 7, 2022, that unless Judge James Paul Oetken**

immediately brings himself into compliance with legal authority regarding judicial disclosures, the law will deem him to be in knowing violation, and he will be immediately disqualified from any further administrative, ministerial, legal, or other involvement in either K11-7, or in any other case that involves Plaintiff Kaul and or Basch.".

4. The district judge did not contest/refute/rebut/deny or otherwise address the facts contained within the K11-7 October 6, 2022, document, facts that subsequently became admitted.

5. Defendant ICE conspicuously announced the copying of its May 2, 2023, letter to the K11-7 district judge. The conspicuousness evidences an improper, ill-intended and misguided effort at disruption of judicial collegiality and perversion of the rule of law. Furthermore, Defendant ICE's conspicuous failure to have the New York State ATTORNEY GRIEVANCE COMMITTEE issue an opinion of no cause regarding the K11-7 district judge, does further consolidate the corpus of fact substantiating 'Fraud on the Court' as a basis for K11-10. To unsubstantiate this basis, the law requires Defendant ICE submit evidence/facts disproving the fact that the K11-7 September 12, 2022, district judge's opinion/order constitute a 'Fraud on the Court', a fraud that warrants the prosecution of K11-10.

New Evidence/Facts:

In addition to 'Fraud on the Court', K11-10 is also predicated on new evidence/facts and **"new racketeering injuries"** as stated in the Complaint (D.E. 1 Page 4 of 169), that include knowing/willful **"ongoing"** and **"new"** injuries to, amongst other things, Plaintiff Kaul's economic standing/reputation/liberty/livelihood/life not just in the US, but in India, the country of Plaintiff Kaul's birth and citizenship. On December 16, 2022, Defendant ICE, through both its American and Indian headquarters was served by Plaintiff Kaul's Indian counsel with a Notice Prior To Commencement of Litigation Proceedings in India (**Exhibit 1**). The 'fact pattern' that underpins K11-10 is distinct in nature/substance/character/volume from that, that underpinned K11-7, and 'shocks the conscience' in that the Defendants continue to perpetrate, with a mens rea of guilt, a global **"pattern of racketeering"**, the criminality of which they

believe will be mitigated by attempting to interfer in judicial collegiality/rule of law, by conspicuously copying the K11-7 district judge in a blatant attempt to further coopt the federal judiciary into their scheme.

Preclusion:

The failure of the K11-7 Defendants (including Defendant ICE) and the district judge to contest/refute/rebut/deny or otherwise address the facts contained within the K11-7 September 13, 2022, letter and October 6, 2022, document, in conjunction with their admittance and the uncontested/un-appealed nullification on October 8, 2022, (K11-7: D.E. 170 Page 26 of 39) of the September 12, 2022, opinion/order of the K11-7 district judge, do permanently preclude the K11-10 Defendants from a defense based on or related in any manner to the nullified September 12, 2022 opinion/order: **" ... on October 8, 2022, all orders entered by Judge James Paul Oetken are immediately nullified, including the September 12, 2022, order at D.E. 168."**

Defendant ICE's RICO Based Vicarious Liability Pursuant To Defendant Heary's Admissions of Fact:

The liability of the facts contained within D.E. 9, extends, pursuant to RICO's vicarious liability doctrine, to all K11-10 Defendants, including Defendant ICE.

Defendant ICE's RICO Based Vicarious Liability Pursuant To Defendants FSMB/Hengerer/Allstate's Failure to Contest/Refute/Rebut/Deny/Address The Facts Asserted In Plaintiffs Responses To Defendants FSMB/Hengerer/Allstate's Letters And Motions To Dismiss:

The liability of the uncontested facts contained within D.E. 10/D.E. 19, extends, pursuant to RICO's vicarious liability doctrine, to all K11-10 Defendants, including Defendant ICE.

Conclusion

Defendant ICE filed a two (2) page letter, in which it seeks to have invalidated the fraud that it co-committed on the United States District Court in K11-7, and against the integrity of the federal judiciary, in its continuing disregard/disdain for the Rule of Law. Defendant ICE has submitted no evidence/facts/law/argument to substantiate and or warrant an invalidation of its 'Fraud on the Court', or indeed an invalidation of the other bases on which K11-10 stands.

The misconduct of **The Kaul Cases** Defendants, including Defendant ICE/Federation State Medical Boards, is evident across the globe, and these Defendant corporations are now having to operate in a rapidly changing global market, in which adherence to the Rule of Law and the principle of 'fair play' are critical to success. This element underpins standards theories of international economics and law, i.e., that of fair markets, and is reflected in the American Government's current effort to reform the ethics code of the Supreme Court of the United States.

Defendant ICE seeks, not unsurprisingly, to have this Court derogate its duty to the law, to move in a direction not supported by the facts and quite frankly in a direction contrary to the people's state-of-mind, as reflected in the public conversation regarding ethics reform.

Plaintiffs Kaul/Basch respectfully move this Court to deny Defendant ICE's request for invalidation of its 'Fraud on the Court' and its plea for dismissal of K11-10.

Dated: May 5, 2023

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Exhibit 13

www.drrichardkaul.com

January 16, 2018

Honorable Steven C. Mannion
United States Magistrate Judge
District of New Jersey
UNITED STATES DISTRICT COURT

Re: Kaul v Christie, et al.,
Docket No. 16-CV-02364
The Solomon Critique

Dear Judge Mannion,

Please find submitted two (2) copies of the completed analysis of the trial transcript in the MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY. The analysis, which is contained in the enclosed document entitled, 'The Solomon Critique', is referenced in ¶ 170 of the revised Second Amended Complaint that was filed with the Court on October 27, 2017. At that point in time, forty-four (44) instances of misconduct had been identified. However, on January 11, 2018, the date the analysis was completed, that number had risen to two hundred and seventy-eight (278) separate acts of misrepresentation, evidential omission, gross mischaracterization and perjury, collectively committed by New Jersey Administrative Law Judge, Jay Howard Solomon, Esq and Defendants, Gregory Przybylski, MD and Andrew Kaufman, MD.

This case commenced on February 22, 2016, at which time I was not in possession of any witness certifications or evidential analyses. On November 23, 2016, the Defendants filed a motion to dismiss the Amended Complaint (noted in my briefs as the 'First Amended Complaint'), in which they relied principally on Solomon's fraudulent opinion. Despite being aware that the proceedings had been corrupted the defendants cited a paragraph in the board's FINAL ORDER of March 12, 2014, which characterized as, ***"disturbing"***, my refusal to accept their illegal act of license revocation. However, in light of the certification of John Zerbini, filed with the Court on August 9, 2017 and now The Solomon Critique, I would suggest that it is ***"disturbing"*** that the defendants were so willfully misrepresenting the truth in order to achieve their own ends. What is particularly troubling is the fact that the medical board continued these lies when they stated in their FINAL ORDER:

"As indicated herein, based upon our review of the record, the Initial Decision, Exceptions and responses filed thereafter and consideration of oral argument of counsel, we have concluded that cause exists to adopt in their entirety all findings of fact and conclusions of law of the ALJ as amplified below. Based upon our independent review of the record and the evidence presented regarding sanctions, we herein modify the penalty recommendation to additionally include a $300,000.00 monetary penalty."

The evidence now before this Court proves this statement to be nothing, but a bare faced lie, intended to provide cover for their misconduct, and further the conspiracy described in John Zerbini's certification. The medical board knew that their actions were illegal, and despite having received a letter from me, dated February 6, 2014, in which I alerted them to the malfeasant conduct of their expert, Andrew Kaufman and senior medical board member, Steven Lomazow, they continued with their fraud.

The Defendants knew that their invocation of the Noerr-Pennington doctrine was improper, because they knew that they had behaved illegally in the administrative proceedings, and that Noerr-Pennington is no defense to acts of criminality. This however, did not stop them from deceiving this Court, in the same dishonest manner that the medical board rendered its 'cover-up' on March 12, 2014.

I hope that this submission is of assistance to the Court, in its determination of this case.

Yours sincerely

Richard Arjun Kaul, MD

cc: Judge Kevin McNulty
All Counsel via e-mail

www.drrichardkaul.com

January 16, 2018

Honorable Kevin McNulty
United States District Judge
District of New Jersey
UNITED STATES DISTRICT JUDGE

Re: Kaul v Christie, et al.,
Docket No. 16-CV-02364
The Solomon Critique

Dear Judge McNulty,

Please find submitted a copy of the completed analysis of the trial transcript in the MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY. The analysis, which is contained in the enclosed document entitled, 'The Solomon Critique', is referenced in ¶ 170 of the revised Second Amended Complaint that was filed with the Court on October 27, 2017.

The document is necessarily detailed, and its length reflects that of the one hundred and five (105) -page opinion issued on December 13, 2013 by New Jersey Administrative Law Judge, Jay Howard Solomon, Esq.

Yours sincerely

Richard Arjun Kaul, MD

cc: Judge Steven C. Mannion
All Counsel via e-mail

The Solomon Critique

A critical analysis of the trial transcript and evidence of the proceeding in the MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY

Richard Arjun Kaul, MD

Richard Arjun Kaul, MD
Propria Persona
120 Temple Terrace
Palisades Park, NJ 07650
Tel: (201) 989 2299

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RICHARD ARJUN KAUL, MD Plaintiff, CHRISTOPHER J. CHRISTIE, ESQ, et al., Defendants	Civil Action No. 16-cv-02364 CERTIFICATION OF PLAINTIFF

Richard Arjun Kaul, of full age, certifies and says:

I am the Propria Persona Plaintiff

I make this certification in support of the Plaintiff's submission of 'The Solomon Critique'.

I certify that the italicized text in 'The Solomon Critique' is a true and accurate copy of the text of the opinion issued on December 13, 2013, by New Jersey Administrative Law Judge, Jay Howard Solomon, Esq IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY

I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: January 16, 2018

Richard Arjun Kaul, MD

CONTENTS

THE SOLOMON CRITIQUE

A critical analysis of the trial transcript of the proceeding in the MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY

INITIAL DECISION

OAL DKT. NO. BDS 08959-12
IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D., TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY.

Doreen Hafner, Deputy Attorney General, for complainant Attorney General of the State of New Jersey (John J. Hoffman, Acting Attorney General of New Jersey, attorney)

Charles Shaw, Esq., for respondent Richard A. Kaul, M.D. (Law Offices of Charles Shaw, Esq., attorneys)

Record Closed: October 31, 2013

Decided: December 13, 2013

BEFORE **J. HOWARD SOLOMON,** ALJ t/a:

Preface

This document is a detailed analysis of the trial transcript of the hearing in the MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF RICHARD A. KAUL, M.D. TO PRACTICE MEDICINE AND SURGERY IN NEW JERSEY – OAL DOCKET NO. BDS 08959-12. The document demonstrates the enormous volume of willful misrepresentation, perjury, critical evidential omission and gross mischaracterization that were commited by Jay Howard Solomon, Esq, Gregory Przybylski, MD and Andrew Kaufman, MD, during the proceeding.

On April 2, 2012 the New Jersey Board of Medical Examiners initiated an administrative action to revoke the medical license of Dr. Richard Arjun Kaul. The matter was transferred to the New Jersey Office of Administrative Law in late May 2012 and on April 9, 2013 a contested hearing commenced, which concluded on June 28, 2013. It was adjudicated without a jury by Administrative Law Judge, Jay Howard Solomon, who came out of retirement just for the case, and returned to retirement after it concluded. It consisted of twenty-three (23) days of witness testimony during which twenty-six thousand, one hundred lines (26,100) of trial transcript were generated and thousands of pages of evidence were submitted. On the opening day of the proceeding the Deputy Attorney General had approximately fifty- (50) boxes, of what appeared to be evidence, stacked against both walls of the room. Dr. Kaul attended every day of the hearing.

In early September 2013 it was brought to Dr. Kaul's attention that evidence had been tampered with. He sent a letter to Solomon, dated September 12, 2013, that requested the issue be investigated, but received no response.

On December 13, 2013 Solomon issued his opinion that recommended Dr. Kaul's license be revoked. It was a one hundred and five-- (105) page document that bore little resemblance to the testimonial evidence. Dr. Kaul sent Solomon a letter dated December 26, 2013, in which he expressed his opinion regarding the evidential disparity between his opinion and the trial testimony.

On March 24, 2014 the medical board adopted Solomon's opinion, and imposed a fine of four hundred and fifty thousand dollars ($450,000.00).

On February 22, 2016 Dr. Kaul filed a lawsuit in the United States District Court, District of New Jersey, against Solomon and a number of other defendants that include the physicians who had conspired against Dr. Kaul. The action claimed, amongst other things,

violations of RICO and Section 1983. However, on June 30, 2017, the Court dismissed Solomon from the matter based on his defense of absolute immunity.

In late 2017 Dr. Kaul eventually obtained a copy of the entire trial transcript, which he began cross-referencing with Solomon's opinion. The analysis started in or around early September 2017 and concluded on January 11, 2018. Dr. Kaul's analysis provides evidence that Jay Howard Solomon, Esq, Gregory Przybylski, MD and Andrew Kaufman, MD, the latter two the experts for the state, had committed two hundred and seventy-eight (278) wrongful acts. These consisted of misrepresentations, perjury, evidential omissions and gross mischaracterizations of the trial record.

The following indicates the distribution of these violations:

Jay Howard Solomon, Esq:

Misrepresentations – Forty-seven (47)
Evidential omissions – One hundred and sixty-nine (169)
Gross mischaracterizations – Sixty-two (62)

Gregory Przybylski, MD:

Perjury – Thirty (30)
Misrepresentations – Fourteen (14)
Mischaracterizations – Three (3)
Evidential omissions – Five (5)

Andrew Kaufman, MD:

Perjury – One (1)
Misrepresentations – Two (2)
Evidential omissions – Two (2)

These numbers suggest that the evidence provided was flawed and dishonest and that the interpretation of evidence was selective and prejudiced. The analysis proves that two of the defendants in Kaul v Christie provided misinformation and that they committed perjury. The extent of the corruption of information that was committed suggests the need for a criminal investigation into the reasons why Jay Howard Solomon would violate the law in such a concerted manner.

This detailed analysis of the trial record proves that the proceedings initiated against Dr. Kaul in

April 2012 were conducted in a biased and illegal manner and contain evidence that is plainly false, meaning that the revocation of Dr. Kaul's license was illegal.

The analysis is irrefutable proof of the criminal abuse of power and dishonesty that polluted the proceedings against Dr. Kaul, a conspiracy that caused the economic collapse of six medium sized corporations, the loss of jobs and tax revenues. The depths of dishonesty to which Solomon, Przybylski and Kaufman descended are abundantly evident in the forensic detail of the analysis and needs to be prosecuted appropriately.

I suggest that the manner in which the revocation of Dr. Kaul's license was conducted provides clear evidence that there is an urgent need for an independent review of the practice and conduct of the New Jersey Board of Medical Examiners.

DEFENDANTS HISTORY OF RACIAL DISCRIMINATION + ANTI-SEMITISM + HUMAN RIGHTS VIOLATIONS + ONGOING FRAUD ON THE COURT

EXHIBIT 14 - 17

Exhibit 14

Kaul v Boston Partners: K11-2

The Slaving-Nazi-Insurance Axis

This exhibit consists of:

1. This cover page.
2. Excerpts from the Nuremberg Indictment juxtaposed to excerpts from **The Kaul Cases**.

The common thread connecting the slaving industry, the Nazi atrocities and the "War on Doctors" (1990 to the present) is the ruthless/genocidal for-profit insurance/banking industry/machine of which Defendants Allstate/Geico/TD/Northern Trust/Boston Partners are members.

The purpose and relevance of this exhibit is to illustrate and evidence that the insurance industry of which Defendants Allstate/Geico are members/beneficiaries, have been engaging in "patterns of racketeering" since the inception of the industry in London in the 1600s. The fundamental legal elements of RICO were conceived/developed/implemented over four centuries ago and became codified in the 1970s. Racial profiling/targeting and discrimination against particular groups for the purpose of profit have remained a constant, and the ration d'etre for the insurance industry is purely profit, while that of medicine is altruistic. Not too many physicians are disposed in the art of war, while the insurance industry views war as a progenitor of fear, a fear they exploit in their commercialization of risk. The insurance industry is arguably humanity's largest ever racket.

In 2021, the tools of torture used by Defendants Allstate/Geico (insurance industry) are those of the courts/lawyers/prosecutors/loss of livelihood/incarceration/false convictions/false imprisonment/media defamation/harassment of physicians families/children/a global public humiliation over the internet. No longer is it iron cuffs in crowded slave ships, suffocating trains destined for work camps or summary executions. The methods of extermination have become bureaucratized, sterile and conducted under 'color of state', with the apparent legitimacy of state medical boards, state/federal judges/courts/prosecutors and a corporate media only too willing to knowingly perpetuate the crimes of the insurance industry. False claims of insurance fraud, alleged over-prescribing of opiate medications, sting operations to entrap unsuspecting physicians in compromising sexual situations, are just some of the

excuses/pre-texts used to exterminate physicians, in order to increase corporate/executive profit through reducing the number of so called "healthcare providers" and thus the total amount of health insurance premiums spent on healthcare. In essence, eliminate the physicians and the patients, and divert a greater percentage of the public's health insurance premiums to the executives/corporate coffers of Defendants Allstate/Geico.

In 2021, the cost to American society is evident in:

1. The excessive COVID-19 related mortality/morbidity in the US.
2. The so-called "opiate epidemic", from which the insurance industry has profited. Deaths from opiate overdosing are due to street-grade heroin, laced with fentanyl, and not prescription opiates. From 2006 to the present the number of medications dispensed has dropped by almost fifty-percent (50%), resulting in billions of profits for the insurance industry, as it spends less on medications, while continuing to raise the cost of health insurance premiums.
3. The **"pain epidemic"** as millions of Americans with chronic pain have been denied access to life-saving care, with many committing suicide.
4. The epidemic of physician suicides, as the insurance industry orders state/federal regulatory/investigatory/prosecutorial/judicial collaborators to suspend/revoke physicians licenses and or incarcerate them.

To assist the comprehension of all parties in the clarification of the Nazi-Insurance Industry analogy of the aforementioned axis, one of evil; please find below a table that Kaul respectfully asserts, any jury/public would immediately understand:

The Slaving-Nazi-Insurance Axis ("SNI")	The FSMB/SMB-State/Federal Investigative/Prosecutorial-Insurance (Corporation) Axis ("FSI") Identified within **The Kaul Cases** are the equivalent SNI parties/perpetrators.
The British Crown/Government/Royal African Company/Lloyd's of London-Insurance Industry/British Courts.	Defendant Federation of State Medical Boards/State Medical Boards. Defendants Allstate/Geico Defendants AHS/HUMC Defendant State of New Jersey Defendant NJ Department of Banking and Insurance. Defendant NJ Office of the Insurance Fraud Prosecutor

	Defendant District of New Jersey (K11-1-DNJ-N) Defendant Judges in K11-3 (U.S.D.C. for the Northern District of Illinois)
The Yorke-Talbot Slavery Opinion	The NJ IFPA (17:33A) + 21 U.S.C. (Abuse of Congressional Intent) + CDC Guideline for Prescribing Opioids for Chronic Pain (Abuse of recommendations)
The German Government/Nazi Party	Defendant State of New Jersey.
Senior Public Prosecutor - Paul Barnickel	Office of the NJ Attorney General
Chief of the Civil Law and Procedure Division of the Reich Ministry of Justice; and Oberführer in the SS - Josef Allstoter	The NJ Attorney General - Jeffrey Chiesa/Doreen Hafner
Chief Justice of the Special Court - Hermann Cuhorst	Defendant Jay Howard Solomon Defendant Jose Linares Defendant Kenneth J. Grispin

Legal Adviser to the Reich Minister - Guenther Joel	Defendant Eric Kanefsky, Esq
Chief Justice of the Fourth Senate of the People's Court - Guenther Nebelung	Defendant Chief Judge Fred Wolfson, Esq
Senior Public Prosecutor - David Puteska, Esq	

Consulting physician to the Luftwaffe - Wilhelm Beiglblock	Defendant Andrew Gregory Kaufman, MD
Chief Physician to Hitler/SS/Reich - Karl Brandt	Defendant Scott Metzger, MD
Chief Surgeon of the Staff of the Reich Physician SS - Karl Gebhardt	Defendant Gregory Przybylski, MD
Chief Surgeon of the Surgical Clinic in Berlin - Paul Rostock	Defendant Robert Francis Heary, MD
Der Fuhrer- Adolf Hitler	Defendant Christopher J. Christie, Esq

Friedrich Flick - The CEO of the "Flick Concern" (business conglomerate - finance/mining and financier/briber of the Nazi Party	Defendant Richard Crist Defendant Allstate Defendant Geico Defendant TD
Farben - Business conglomerate that included the insurance/finance industry, that financed the Nazi Party/German State and the initial funding for concentration camps.	Defendant Allstate Defendant Geico Defendant TD Defendant Northern Trust Defendant Boston Partners
Those exterminated/enslaved/subjected to summary justice/denied justice/imprisoned/stripped of their livelihood/publicly humiliated/deprived of their property/liberty/life without due process - Men, women and children belonging to the following groups: Africans/Jews/Russians/Poles/Patients with disabilities/Political dissenters/Those who refused to submit/fought Nazi oppression.	Plaintiff Kaul/his family/his patients Plaintiff Feldman/his family/his patients Plaintiff Patel/his family/patients treated in his healthcare facility. The American public - increased insurance premiums. The American pain patient population - decreased access to most effective forms of pain relieving healthcare (surgical/non-surgical). The American medical profession - Increased suicide/loss of livelihood/loss of liberty/loss of property.
Otto Ambros - Chief of Chemical Warfare	Defendant Christopher J. Christie, Esq
August Von Knieriem - Chief Counsel of Farben	David D'Aloia, Esq - Counsel for Defendant Allstate

The Blacks:

The insurance industry (corporations) was born in the 1600's and is the progeny of Llyod's of London. It initially gripped humanity in its cold ruthless clutches by attaching itself to the booming trans-Atlantic slaving industry, at the helm of which, at that time, were the British. They would later claim to be the originators of abolition, a calculated political move whose true purpose was not altruistic, but one of commercial colonial opportunism, as it provided them legal parliamentary cover to seize the slave ships belonging to their colonial competitors, the French, Dutch and Portuguese. Meanwhile the British continued to plunder, rape and pillage Indian, Africa and China, the latter a country it flooded with opium from the poppy-fields of the north-werstern frontier in

Afghanisthan/Kashmir. The Chinese were incapicitated by the opium, the Indians were forced into indentured servitude, along with the Africans.

The Jews:

Towards the ostensible fall of the British Empire, the global insurance industry, still orchestrated by and through Lloyd's of London, continued its inexorable and genocidal expansion by conspiring/colluding and furthering in an ongoing "pattern of racketeering" that commenced with the slaving industry. The RICO predicate acts of murder, extortion, conspiracy and human trafficking were perpetrated by the Nazi War Machine, on millions of Jews, Russians, Poles and people with physical and psychological handicaps, through multiple association-in-fact enterprises that included Nazi courts, Nazi Judges, The Nazi Justice Ministry, The Nazi Medical Boards/Medical Profession, Nazi Politicians, Nazi Prosecutors/Lawyers, German Industry and the insurance industry. Multiple RICO schemes were perpetrated through, by and with the political, medical, legal and business elements of the Nazi's genocidal machine, in collusion/conspiracy with the insurance industry. The purpose of the Nazi-Insurance Association-In-Fact Enterprise was to further the political/economic agendas of the scheme's orchestrators/perpertrators/aiders/abettors/abstentiors of willful ignorance. The insurance industry, having developed its model of using the ostensibly legitimate cover of legal/judicial/political authority with the slaving industry, simply employed the same tactics/strategy on those enslaved/imprisoned/murdered in the years from 1939 to 1945. The insurance industry continued its "pattern of continuity" of murder/exploitation/false imprisonment/abuse of legal process/political corruption/judicial corruption/bribery/extortion/kickbacks/racial profiling and discinimation against the mentally/physicial infirm.

The Indians:

The Allied Forces (American/British) conducted the investigation/prosecution of the crimes against humanity that were committed in the period from 1939 to 1945. The trials at Nuremberg (1945 to 1947) resulted in the criminal convictions of hundreds of senior/high ranking judges/lawyers/physicians/business/insurance executives/politicians, individuals who had assisted Adolph Hitler in his conversion of the State of Germany into a massive, murderous "racketeering enterprise", purposed to further the economic/political agendas of The Third Reich. The insurance industry, of which Defendants Allstate/Geico are members, profited from the aforementioned schemes, and the progeny of those profits continue to be laundered through Defendants Allstate/Geico. However, what remains irrefutable is the fact that the tactics/strategy/"patterns of racketeering" legally codified by the insurance industry

continue to be employed today against Indian physicians/so called "healthcare providers"/ chronic pain patients and those with health conditions that require long-term ongoing care, those with mental/physical infirmities.

The atrocities/crimes (murder/manslaughter/enslavement/economic servitude/human trafficking/imprisonment) against humanity of the slaving industry/the holocaust/the targeted extermination of the infirm/specific racial groups continues to be perpetrated today in the United States by the insurance industry against ethnic minorities, occupied principally by immigrants/Indians/Hispnics/Blacks. The insurance industry, as it has done since the 1600s has targeted racial groups, ones its considers the weakest, and now in 2021 in America, land of the free, home of the brave, there are over two (2) million citizens incarcerated in prisons/work camps/concentration camps (another British invention), and an unprecedented number of physicians, the majority of whom are Indian.

The insurance industry's most recent scheme against Indian physicians has and is being conducted in collusion/conspiracy with the American equivalent of the Nazi judiciary/body politic/medical profession, with the overall purpose of economic/political advantage. The Allied Forces/Prosecutors (American/British) were unwitting conduits for the transmission of information regarding the construction/perpetration of elaborate, well concealed "racketeering schemes" that, as with **The Kaul Cases** Defendants did convert a state (Germany: 1939 to 1945 - New Jersey: circa. 1960 to the present) into "racketeering enterprises" through, by and which the insurance industry profited by collusion/conspiracy with worlds of medicine/business/politics.

The Kaul Cases, and there will be further international tribunal/examination, are, without overstating their relevance, the most equivalent legal vehicle thus far in American legal history, that in any manner mimics The Nuremberg Trials. The German public and the world remained ignorant to the atrocities of the Nazi legal/political/medical/judicial/business machine, until the crimes were exposed in these trials. Similarly, the insurance industry propaganda machine has concealed from the American public its **"War on Doctors"** and patients with chronic illnesses. It has concealed its pervasive corruption of the judiciary and crooked physicians willing to provide false testimony against physicians to whom the insurance industry owes money, in order to have these physicians (mostly Indians) eliminated through incarceration/loss of livelihood/license suspension/revocation/suicide/social ostracization/professioinal ostracization. No different to the strategies employed by Slaving-Nazi-Insurance Axis.

Humanity existed for thousands of years before insurance. Insurance is nothing but legalized extortion, and humanity will prosper for thousands of years after the insurance

industry has been eliminated. Bitcoin is doing the same thing to the banking cartels, another British institution. Lest no one forget, it was the **"money-lenders"** who were evicted from the temple.

Dated: February 20, 2021

_____

Richard Arjun Kaul, MD

Exhibit 15

www.drrichardkaul.com

May 28, 2021

Allison Burroughs
United States District Judge
District of Massachusetts
1 Courthouse Way
Boston, MA 02210

Re: Kaul v Boston Partners – K11-2
21-CV-10326
Case Management Conference
Obstruction of justice + Wrongful arrest

Dear Judge Burroughs

I write this letter to request the Court conduct a case management conference in light of several events that have occurred within the last three weeks, that pertain to the Defendants' ongoing efforts to obstruct of justice.

On May 26, 2021, I submitted to the Court a letter that evidences the Defendants' coopting of New Jersey's police into the ongoing **"pattern of racketeering."** (**Exhibit 1**). This document was received in the Court on May 27, 2021 but has yet to be published.

Please also find enclosed a copy of a letter (**Exhibit 2**) that was submitted into K1 on October 7, 2016, that sought permission to file an emergency restraining order and preliminary injunction **"that bars the defendant state from pursuing any further legal action against my property or person, until the conclusion of the federal litigation, and also sanctions against Marc Cohen for obstruction of justice."** That permission was never granted, and I was thus afforded no protections against further retaliatory actions by the agencies/actors of the State of New Jersey. It bears noting at this point that the State of New Jersey is not actually a sovereign state, but simply an extension of the insurance industry, of which Defendants Allstate/Geico are controlling members.

On May 26, 2021, at approximately 3 pm EST, Defendant Christie was served with a copy of the Complaint/Summons.

On May 27, 2021 at approximately 4 pm EST I was arrested at the location in New Jersey which I conduct my legal research and writing. Nine (9) armed officers from both local and state police entered my workspace through an open door, without warrants. What followed is further evidence in support of motions for summary judgment:

1. I was sitting in the front room of the building on a call with my colleague, Dr. Evangelos Megariotis.
2. I heard a voice at an open door at the back of the building.
3. I approached the door and witnessed nine (9) armed men, some in plain clothes and some in uniform, but remained on the call with Dr. Megariotis, in order that he could witness the exchange.
4. Two of these individuals had entered my building, and asked me to confirm my name, which I did.
5. I asked to see their warrants and was initially told they did not need to produce warrants, but that if I went with them, they would show me the warrant.
6. I instructed them that the law require a warrant before entry onto a person's property.
7. One of the plain clothes officers indicated he worked for a unit of the state police that investigates threats against state officials, and that they were investigating claims that I had threatened Defendant Christie.
8. I asked from whom he received his orders, and he told me the order originated from Patrick Callahan, the current administrative head of the New Jersey state police, who had received a request from Defendant Christie's **"lawyer"**, Robert McGuire, a NJ deputy attorney general.
9. With Dr. Megariotis as a witness, I repeatedly asked for the production of a paper warrant, but none was produced.
10. At this point, one of the uniformed officers entered the building and told me that there was an outstanding warrant for my arrest from Mercer County. I asked him to produce this warrant, and his state colleague handed him a cell phone, on which was there were unintelligible typed words with an entry date of May 27, 2021.
11. It is relevant for this Court to know and will be relevant to the motions for summary judgment, that in March/April 2018, as part of my application for a license in the State of New Jersey, the state police conducted a background check that included pending warrants, and NONE were found. The purported warrant is a fabrication and constitutes an element of the Defendant's scheme of retaliation, a RICO predicate act.
12. The exchange between myself and these nine (9) armed individuals became increasingly hostile, and Dr. Megariotis suggested I permit myself to be arrested. I informed these individuals that any arrest would be illegal, and that I would seek legal redress for the injury. They smirked.
13. I was led outside and had my arms handcuffed behind me. I was led to a car, into which I sat, and was driven to the Mendham Township police station. I was led from the car and

chained to a metal bench inside the small building. I was then interrogated by three of the plain clothes state officers. At no point in any of these proceedings did any of these individuals read me my rights, except to say I was **"under arrest".**

14. The interrogation consisted of them telling me that it was a crime for me to serve legal documents on Defendant Christie, as he was an ex-state official who was still under the protection of the state. One of these individuals indicated that Defendant Christie had a **"lot of enemies".**
15. I responded that I had not served any documents on Defendant Christie, as they had been served by a process server, Doreen Bettens. They asked me her name, which I provided, and just as I was doing so, she called my cell.
16. I instructed the phone to be answered, and placed her on speakerphone, at which point I told her I was sitting chained to a metal bench in Mendham Township police station and had just explained to the police that she had served the documents on Defendant Christie. A brief conversation ensued between Doreen Bettens and these individuals, in which she confirmed that she had served Defendant Christie, and that I was not with her. She provided them her telephone number and the call concluded.
17. I was then taken from this police station to the Morristown police station, where I had my picture taken, and was then told to stand against a wall.
18. May 27, 2021 was a particularly hot day, and I had become dehydrated, and had not taken my blood pressure medication that day. I began to experience some mild light-headedness and asked a female officer behind the desk if I could have a seat. She said, **"no you are in jail".** Approximately one minute later, I collapsed to the floor on my right side. The next thing I remember is waking up in a chair and hearing this same female officer state that I had **"jail-itis".**
19. An ambulance was called, it arrived and as I was being placed on a stretcher, one of the officers handcuffed me to the bed. Almost immediately, the senior officer removed the handcuff, and the cuffing officer stated: **"This is your lucky day".**
20. I was transferred to Morristown Memorial Hospital by two policemen, who then departed the building, and left me with the nurse.
21. I then departed the hospital.

These events lend further evidential weight to the claims, that is irrefutable. As is clear from the record, the commission and attempted cover-up by the Defendants now involves the executive/legislative/judicial branches of the State of New Jersey. The Defendants scheme now involves the use of police to threaten, harass and intimidate process servers, witnesses and the Plaintiff himself, while violating the jurisdiction/authority of the United States.

My concern is that with this escalation of armed force, people will be killed. In that regard, I do request that there **be emergently schedule a case management conference**, in order to mitigate this threat, and stop the Defendants criminal abuse of state power and continued falsification of evidence.

I do also inform the Court that Defendants Christie/Hafner/Kaufman/Allstate/Crist have been served, and I will be moving variously for summary judgment and Rule 26 conferences.

I also believe it relevant for this Court to know that a case (K11-5) is pending in the Indian High Court against Defendant State of New Jersey, a case in which Intercontinental Exchange has been noticed (**Exhibit 3**). The thrust of which pertains to its collusion/conspiracy with Defendants Christie/Allstate in the perpetration of policies of racial discrimination and targeting of successful Indian physicians for criminal prosecution/incarceration.
A copy of this letter has been sent to the Indian PM, as has K11-5.

The U.S.C.A. for the Third Circuit is aware of the Defendants crimes (**Exhibit 4**).

I thank you for your attention to this matter.

Yours sincerely

RK-1

Richard Arjun Kaul, MD

cc: All Counsel via email
All parties with a legal or other interest
Patrick Callahan
Governor Philip Murphy
Gurbir Grewal (NJ-AG)

Exhibit 16

INVALIDATING A JUDGMENT FOR FRAUD . . . AND THE SIGNIFICANCE OF FEDERAL RULE 60(b)

By W. DEAN WAGNER*

When it can be proved that a judgment of a court was obtained by fraud, the question arises whether or not it can be set aside and a new trial had. The problem to be discussed here is when can relief be obtained. Two different procedures are to be distinguished:

1. A motion in the court that rendered the judgment.
2. An independent action to set the judgment aside brought in the same court or a different court.

Our concern here is with independent action of the kind brought in the federal courts. Federal Rule 60[1] was amended radically in 1946, altering considerably the former rule regarding the setting aside of judgments. The new rule (so far as pertinent) provides:

> "(b) . . . Fraud, etc. On motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for the following reasons:
> (3) fraud (whether heretofore denominated intrinsic or extrinsic), . . . The motion shall be made . . . not more than one year after the judgment, order, or proceeding was entered or taken . . . *This rule does not limit the power of a court to entertain an independent action . . . or to set aside a judgment for fraud upon the court.*" (Emphasis added)

The rule thus expressly provides that either intrinsic or extrinsic fraud will constitute ground for upsetting a judgment if a motion is made within one year. But whether not only extrinsic but also intrinsic fraud will constitute sufficient ground for upsetting a judgment after the expiration of the year period is uncertain. The plain language of the rule seems to give *carte blanche* authority to a court to grant relief at anytime for any type of fraud. But recent judicial interpretations of the rule point out questions that deserve consideration.

* 3rd year law student, Duke University; A.B. Colgate, 1950.
[1] 28 U.S.C.A. Rule 60; 28 U. S. C. § 1655.

What is "fraud upon the court" within the meaning of Rule 60's saving clause and how is this to be distinguished from intrinsic and extrinsic fraud? Did the framers of the rule intend to authorize the setting aside of judgments for intrinsic as well as for extrinsic fraud in any case? Were different standards of fraud required for the "independent action" mentioned in the rule than were required for setting aside a judgment for "fraud on the court"? Rule 60(b) is so phrased as to imply that "fraud on the court" is a ground for invalidation of a judgment different from the grounds which will sustain an "independent action"; the clauses using these phrases are separated by another dealing with a quite distinct subject. Was the framers' intent to apply three different rules: one as to direct motions, another as to independent actions not involving "fraud on the court," and a third as to attacks involving "fraud on the court." It seems doubtful that this distinction is sound; for as commentators have suggested,[2] it is difficult to see why any and every instance of fraud is not "fraud upon the court."

The framers' intention is best indicated in the Advisory Committee's discusion of the rule.[3]

> "The amendment . . . [makes] . . . fraud an express ground for relief by motion; and under the saving clause, fraud may be urged as a ground for relief by independent action insofar as established doctrine permits.[4] . . . And the rule expressly does not limit the power of the court to give relief under the saving clause. *As an illustration of the situation see Hazel-Atlas Glass Co. v. Hartford Empire Co.* [322 U. S. 238 (1944)]." (Italics added.)

"Fraud on the court" as a word of art was new nomenclature introduced in the 1946 amendment to Federal Rule 60. Because of the definite reference to *Hazel-Atlas Glass Co. v. Hartford Empire Co.*,[5] an examination of this case is imperative for a full understanding of the meaning of the phrase.

Hartford, in support of an application for a patent, submitted to the Patent Office an article referring to the contested process as a

[2] Moore and Rogers, *Federal Relief from Civil Judgments*, 55 YALE L. J. 623 (1946), n. 268 at p. 692.

[3] 28 U.S.C.A. following Rule 60, at p. 313.

[4] The Committee note cites Moore and Rogers, *op. cit. supra* note 2, and 3 MOORE, FEDERAL PRACTICE, (1st ed.), § 60.03, p. 3266. But the meaning of this reference defining and explaining the rule is ambiguous because these two authorities cite the conflict of opinion which is noted in this comment.

[5] 322 U.S. 238 (1944).

"revolutionary device." Although the article was written by Hartford's officials, it was signed by an impartial outsider. This article was instrumental in persuading the Patent Office to grant the application. Hartford then sued Hazel charging infringement of the patent. The Court of Appeals reversed the district court's dismissal of the complaint, largely because of the spurious article. Finally, Hazel capitulated and paid Hartford $1,000,000 and entered into a licensing agreement. The information about the fraud was brought to light about ten years later. Hazel then instituted action to have the judgment against it set aside and the judgment of the district court re-instated. When this case reached the Supreme Court, Mr. Justice Black, writing for the majority of a court divided 5-4, directed the district court to set aside its judgment in the first action entered pursuant to the Circuit Court of Appeals' mandate, and to re-instate its original judgment. The court said:

> ". . . [The] general rule [is] that [federal courts will] not alter or set aside their judgments after the expiration of the term at which the judgments were finally entered . . . [But] every element of the fraud here disclosed demands the exercise of the historic power of equity to set aside the fraudulently begotten judgment. Here . . . we find a deliberately planned and carefully executed scheme to defraud not only the Patent Office but the Circuit Court of Appeals . . . The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud . . ."[6]

The opinion did not refer to the distinction between extrinsic or intrinsic fraud. Prior to this case there had been two conflicting Supreme Court decisions, the earlier one holding that an independent action to set aside a judgment can be founded only upon extrinsic fraud, the other holding that intrinsic fraud suffices. The court's failure to characterize the fraud practiced by Hartford justified a belief that a liberal doctrine was to be applied in the federal courts, and that fraud synonymous with the *Hartford* fraud would be a basis for relief. Since the *Hartford* case was used by the Advisory Committee to define the term "fraud on the court," what this case means is what Federal Rule 60(b) means.

[6] *Id.* at 244, 245.

Fraud as Ground for Independent Attack Before Rule 60(b)

It has generally been stated that "the acts for which a court of equity will on account of fraud set aside or annul a judgment or decree between the same parties rendered by a court of competent jurisdiction have relation to frauds extrinsic or collateral to the matter tried by the first court, and not to a fraud in the matter on which the decree was rendered."[7] There is little doubt that the majority state rule is that the only type of fraud for which a court of equity will upset a judgment is extrinsic fraud; that intrinsic fraud does not afford ground for relief.[8] The statement of the law is clear, but its application can lead to perplexities because it often will be difficult to categorize the fraud in question.[9] The Supreme Court has added confusion by rendering inconsistent decisions relating to the type of fraud needed to upset a judgment; in one case stating flatly that extrinsic fraud only would be ground for setting aside a judgment in an independent attack[10] and in a later decision allowing intrinsic fraud to constitute ground for setting a judgment aside.[11] It has been suggested that the rule of the earlier *Throckmorton* case (extrinsic fraud only) and the rule of the later *Marshall* case (intrinsic fraud suffices)[12] are not in

[7] United States v. Throckmorton, 98 U. S. 61, 68 (1878).

[8] *Cf.* RESTATEMENT, JUDGMENTS, § 126 with § 121. See FREEMAN, JUDGMENTS, § 1233; 3 MOORE, FEDERAL PRACTICE, (1st ed. 1938), § 60.03; 126 A.L.R. 386. Extrinsic fraud is illustrated by McGuinness v. Superior Court, 196 Cal. 222, 237 Pac. 42 (1925), where the fraud alleged was the failure to notify interested parties of the pendency of a suit. Metzger v. Turner, 158 P.2d 701 (Okla. Sup. Ct. 1945) illustrated an application of intrinsic fraud. The defendant in an action to quiet title wherein a default judgment had been entered against him sought to have the judgment vacated on the ground of fraud, alleging that the plaintiff had made false allegations that he had good title, and falsely alleged that he was in possession when in fact he was not. It was held that the fraud complained of was intrinsic fraud going to the actual or potential issues in the original suit and was therefore insufficient ground on which to vacate the judgment. See Note, 24 TEX. L. REV. 233.

[9] It is "a journey into futility to attempt to distinguish between extrinsic and intrinsic matter." Moore and Rogers, *op. cit. supra* note 2 at p. 658.

[10] United States v. Throckmorton, *supra* note 7.

[11] Marshall v. Holmes, 141 U. S. 589 (1891).

[12] United States v. Throckmorton, *supra* note 7, was a bill in chancery, the plaintiff seeking to have the court set aside the confirmation of a land grant. The fraud alleged was that the defendant had obtained an illegal land grant from a Mexican official who had no authority to give it. There were other perjured documents involved. The Supreme Court denied relief. In Marshall v. Holmes, *supra* note 11, after the close of the term, the defendant against whom the judgments were rendered filed a petition in the same court

conflict.[13] But a reading of the recent cases demonstrates that different circuits disagree about the effect of these two decisions and are consequently applying different standards.

The third circuit in *Publicker v. Shallcross*[14] thought that the *Throckmorton* case was no longer law. Rejecting the contention that it was without power to invalidate a judgment obtained by intrinsic fraud, the Court of Appeals, citing the *Marshall* case, said: "We do not consider ourselves bound by [the *Throckmorton*] case for . . . we do not believe it is the law of the Supreme Court today . . ."[15] The court appended the comment: ". . . [The] truth is more important than the trouble it takes to get it."

On the other hand, the 8th circuit in *Phillips Petroleum Co. v. Jenkins*[16] held that the *Throckmorton* case was still law. This was an action for relief from a tort judgment against the appellant on the ground that defendant had simulated an injury and disability and conspired with a physician to deceive examining doctors. The court, citing the *Throckmorton* case, said: "Courts of the United States . . . will not deprive a party of the benefit of a judgment . . . on account of intrinsic fraud."[17]

The Supreme Court has never clarified its position.[18] But the type of fraud involved in the *Hartford* case would lead to a tentative conclusion that at least some types of intrinsic fraud could be

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for the annulment of the judgment upon the ground that the judgment had been obtained through the use of false testimony and forged letters. The Supreme Court granted relief.

[13] See Chicago, R. I. & P. Ry. Co. v. Callicotte, 267 Fed. 799 (8th Cir. 1920), *cert denied* 255 U. S. 570 (1921); 16 A.L.R. 386.

[14] 106 F.2d 949 (3rd Cir. 1939), 126 A.L.R. 386, *cert denied* 308 U. S. 624 (1940).

[15] *Id.* 106 F.2d at 950.

[16] 91 F.2d 183 (8th Cir. 1937).

[17] *Id.* at 187.

[18] This inconsistency in the federal courts was attempted to be resolved in Craver v. Faurot, 64 Fed. 241 (C.C.N.D. Ill. 1894), *reversed* 76 Fed. 257 (7th Cir. 1896), *certif. dismissed* 162 U. S. 435 (1896), where the court, "feeling that United States v. Throckmorton and Marshall v. Holmes were in direct conflict and not knowing which was to govern, sent the case to the Supreme Court on a certificate of importance. The Supreme Court refused to hear the merits, disposing of the case on a technicality as to the validity of the use of a certificate of importance." 8 MOORE, FEDERAL PRACTICE, (1st ed.), § 60.03, n. 17, p. 3268.

A law writer in 21 COL. L. REV. 268 commented, "As for the federal rule . . . it must remain unsettled. Since the courts are at liberty to cite either line of authority, and do so as suits their convenience, the only possible answer in spite of repeated assertions to the contrary that the federal rule is clear is that there is no federal rule at all."

grounds for upsetting a judgment. Mr. Justice Black's assertion that the "agencies of public justice [are] not so impotent that they must always be mute and helpless victims of deception and fraud . . ."[19] would apply to deception committed by intrinsic fraud as well as deception by extrinsic fraud. Perjury is considered intrinsic fraud and since the false article utilized by Hartford seems analogous to perjured evidence there is strong ground for arguing that the more liberal *Marshall* rule was adopted as the federal rule. But, because of the ambiguity of the Supreme Court's position, we find two divergent attitudes expressed among the circuits. The lower federal circuits have been permitted to select the remedial attitude they prefer, in spite of what was a muted command to the contrary in *Hazel-Atlas Glass v. Hartford.*

Application of Rule 60(b)

As has been seen, the amendment to Federal Rule 60(b) introduced the term "fraud on the court" and no distinction was drawn between extrinsic and intrinsic fraud in the saving clause.[20] Because of the conflicting viewpoints of the cases up to 1946 it is difficult to ascertain what was intended by this new term. But unless the saving clause of the rule was intended to recognize some type of intrinsic fraud as ground for relief in an independent action, the reference to the *Hartford* decision has no meaning.

Certainly it can be validly argued that *Hartford* impliedly suggested that the *Marshall* case overruled the *Throckmorton* case and that the *Marshall* rule was the rule of the federal courts. The Supreme Court's failure to limit the application of the fraud doc-

[19] *Ibid.* Mr. Justice Black also said ". . . tampering with the administration of justice as indisputably shown here involves far more than injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistent with the good order of society."

Two cases decided by the Supreme Court citing the *Hartford* case fail to shed much light on the meaning the court attached to the decision. Universal Oil Products Co. v. Root Refining Co., 328 U. S. 575 (1946), cited the *Hartford* case and said at p. 580, "The inherent power of a federal court to investigate whether a judgment was obtained by fraud is beyond question." But in Knauer v. United States, 328 U. S. 654 (1946), Mr. Justice Frankfurter intimated that the exclusion of intrinsic fraud as a ground for relief might still be the rule.

[20] Recall that the rule expressly provides that either intrinsic or extrinsic fraud can be ground for relief by motion to the court that rendered the judgment.

trine to extrinsic fraud indicated an intent to utilize a more liberal doctrine and to accord injured litigants a wider basis for relief. However, whatever the intent of the Supreme Court, the contention that the *Marshall* rule was the rule of the federal courts (*vis-a-vis* the *Hartford* case) was soon rejected by a lower federal court.

Prior to the adoption of Rule 60(b)'s amendment in 1946, the Court of Customs and Patent Appeals had before it in *Josserand v. Taylor*[21] a petition for leave to file a bill of review in the patent office, the plaintiff claiming that the defendant committed fraud in the interference proceeding in which priority of the invention had been awarded him. The fraud alleged was perjury, and the court said:

> "We are unable to [agree that the *Hartford* case held] that a judgment or decree rendered by a federal court at a former term,[22] obtained by intrinsic fraud as distinguished from extrinsic or collateral fraud, should nullify a proceeding such as here involved . . . We think it is evident from [that decision] that the Court was of the opinion that 'certain officials and attorneys' of the Hartford Company had entered and carried out a conspiracy to defraud the Patent Office and the Circuit Court of Appeals and that such a conspiracy was not an intrinsic but an extrinsic or collateral fraud."[23]

This decision is important, for if the court's interpretation of the *Hartford* case is correct the new Federal Rule becomes merely a re-statement of the old *Throckmorton* rule. And, *Josserand v. Taylor* was followed, with respect to the meaning of Federal Rule 60(b), in *Dowdy v. Hawfield*.[24] The District of Columbia circuit was asked here to set aside the probate of a will because witnesses for the will had given perjured testimony. The court said:

> "... [Rule 60(b)] stipulates that 'This rule does not limit the power of a court to entertain an independent action . . . to set aside a judgment for fraud upon the court.' The Supreme Court in United States v. Throckmorton . . .

[21] 159 F.2d 249 (Ct. Cust. & Pat. App. 1946).

[22] This decision was rendered prior to the amendment to Federal Rule 60. At this time, the rule regarding motions in the court that rendered the judgment was that a court could not upset a judgment rendered at a prior term. The amendment gave a year grace period.

[23] Josserand v. Taylor, *supra* note 21 at 253. This decision is consistent with the suggestion that the *Hartford* case intended to apply a more liberal rule to patent cases only.

[24] 189 F.2d 637 (D.C. Cir. 1951), *cert. denied* 342 U. S. 880 (1952).

> held that fraud must be 'extrinsic or collateral' to the matter tried by the first court, and not to a fraud in the matter in which the decree was rendered. Josserand v. Taylor . . . affirmed this rule and in that case the Hartford case was held not to have changed the rule."[25]

The effect of Federal Rule 60 (b) was thus summarily dismissed. The reasoning was: Federal Rule 60 (b) adopts the *Hartford* rule; *Hartford* in *Josserand v. Taylor* was held to have been merely an application of the rule of the *Throckmorton* case; so the *Throckmorton* rule is still law. The court gave no consideration to the possibility that the framers of the code intended to distinguish between grounds for independent attack and grounds for upsetting a judgment for fraud on the court.

Notwithstanding *Dowdy v. Hawfield*, this same District of Columbia circuit[26] was asked in *Dausuel v. Dausuel*[27] to set aside a judgment of divorce because the decree had been procured by perjury. This was a proceeding on a judgment creditor's bill for alimony wherein the husband filed a cross compliant seeking to set aside the divorce. The trial court dismissed the cross complaint and found generally for the wife. The Court of Appeals held that if the facts were as alleged in the cross complaint the decree of divorce could be vacated. Judge Edgerton said:

> "A court may at anytime set aside a judgment for after discovered fraud upon the court. *Hazel-Atlas Glass v. Hartford* . . . Rule 60(b) . . . expressly does not limit the power of a court to entertain an action for that purpose." (Italics added.)[28]

The court did not cite its previous ruling in *Dowdy v. Dowdy;* and by ignoring the distinction between extrinsic or intrinsic fraud implied that it is no longer significant.

New Jersey's Rule of Civil Practice 3:60-2 is identical to Federal Rule 60(b). The New Jersey Supreme Court was asked in *Shammas v. Shammas*[29] to interpret the "fraud on the court" phrase. This was an action for divorce wherein the administrator of the estate of petitioner's second wife filed a petition to set aside

[25] *Id.*, 189 F.2d at 638.
[26] Different judges were sitting.
[27] 195 F.2d 774 (D.C. Cir. 1952).
[28] *Id.*, at 775.
[29] 9 N. J. 321, 88 A.2d 204 (1952); see also Lyster v. Berborich, 65 A.2d 632 (N. J. Super. App. Div. 1949); Williams v. DeFabio, 65 A.2d 858 (N. J. Super. App. Div. 1949); and see 98 U. OF PA. L. REV. 117, n.2.

the divorce decree and adjudge petitioner guilty of contempt for wilfully giving false testimony in the divorce trial. Although the court held that the administrators were strangers to the record and had no standing to attack the judgment, it (1) expressly rejected the *Throckmorton* rule, (2) expressly rejected the argument that if intrinsic fraud was allowed to upset judgments endless litigation would result, and (3) held that either intrinsic or extrinsic fraud was within the "fraud on the court" term.

The New Jersey Supreme Court thus has done what the Supreme Court has failed to do, *i.e.*, it has attached a definite understanding to the meaning of the phrase.

Conclusion

Rule 60(b) can be interpreted in at least three different ways. An independent action to set aside a judgment for fraud

(1) may be grounded only upon extrinsic fraud,
(2) may be grounded upon either extrinsic or intrinsic fraud,
(3) may be grounded only upon extrinsic fraud, except in those instances where intrinsic fraud constitutes "fraud on the court."

Until now, the courts have been concerned with whether or not "fraud on the court" includes at least some instance of intrinsic fraud or whether this phrase is controlled by the *Throckmorton* rule. However, the phrasing of Rule 60(b) permits the suggestion that "fraud on the court" is a ground for invalidation of a judgment different from the ground which will sustain an "independent action."[30] Such a distinction, however, would tend to multiply the already existing confusion.

The present conflict between the circuits stems from the conflicting decisions rendered by the Supreme Court prior to the adoption of Rule 60(b) and the ambiguity of the term "fraud on the court." The new rule makes it difficult to distinguish the type of fraud which must be availed of within one year, from fraud on the court, which may be urged at anytime. Why is every fraud not a fraud on the court? But as long as the Courts of Appeals have

[30] The rule states, "This rule does not limit the power of a court to entertain an independent action, [then a reference to proceedings in rem], or to set aside a judgment for fraud upon the court." Conceivably there are three different circumstances here, with a different rule applicable to each.

inconsistent authorities to cite, Rule 60(b) will stand for the *Throckmorton* rule or the *Marshall* rule depending on the circuit.

Courts refusing to recognize intrinsic fraud as a basis for relief fear the recurring litigation that might result. "Endless litigation in which nothing was ever finally determined would be worse than occasional miscarriages of justice."[31] Yet, on the other hand there is a natural desire to have the courts perform justice and to deny a man the profits of his own wrongdoing. "The notion that repeated retrials of cases may be expected to follow . . . the setting aside of judgments rendered on false testimony will not withstand critical analysis. Rather it is more logical to anticipate that the guilty litigant committing perjury . . . will not risk pursuing the cause further."[32] It is submitted, however, that it is wrong to have different consequences depend on the type of fraud committed —that if "fraud vitiates a judgment" no difference should stem from the label attached to the fraud. The test, rather, should be, was the fraud of the type that the party had a real opportunity to litigate in the first action?[33] If in the opinion of a court a judgment was obtained through the utilization of false records and documents of which a party was justifiably unaware, then the judgment should be set aside, regardless of the fact that the fraud was intrinsic. On the other hand, if a party could have known of the fraud, and had a thorough opportunity to investigate the matter and through his own fault an adverse judgment was rendered, no relief should be available.

Certainly the Supreme Court demonstrated an intent to broaden the scope of the fraud rule in the *Hartford* case and that the framers of Federal Rule 60(b)'s term "fraud on the court" did not restate the *Throckmorton* rule alone. Had the latter been their purpose it seems reasonable to assume they would have said so. Contrary to the opinion in *Josserand v. Taylor, supra*, it is submitted that the Supreme Court adopted and applied the *Marshall* rule in the *Hartford* case and demonstrated an intent to liberalize the federal rule and that Federal Rule 60(b) was an expression of this intent formalized in a rule of procedure.

[31] Fawcett v. Atherton, 298 Mich. 362, 299 N.W. 108; noted in 40 MICH. L. REV. 598.

[32] Shammas v. Shammas, 9 N. J. 321, 88 A.2d 204 (1952).

[33] See, 98 U. OF PA. L. REV. 117; other law notes discussing intrinsic and extrinsic fraud rules are 22 HARV. L. REV. 600; 49 HARV. L. REV. 327; 21 COL. L. REV. 268; 21 ILL. L. REV. 833; 28 GEO. L. J. 848; 36 ILL. L. REV. 894; 24 TEX. L. REV. 223; 12 CORNELL L. Q. 385.

The interpretation of New Jersey's Supreme Court stems from a more realistic understanding of the intention of the framers of Federal Rule 60(b) and of the more sensible application of the doctrine of fraud upsetting judgments.[34] The *Throckmorton* rule leads to anomalous results: of *X* obtaining relief because his adversary kept one of *X's* witnesses away from the courtroom and induced the witness not to testify, while *Y's* judgment against him would stand even though his adversary bribed one of *Y's* witnesses to utter false testimony on the witness stand. The label extrinsic or intrinsic adds nothing—and justice should not be predicated on words.

Until now no tests have been recommended for defining "fraud on the court." Perhaps the rationalization announced in *Hadden v. Rumsey Products*[35] by the district court for the Western district of New York is as wise as possible:

> "Out of deference to the deep rooted policy in favor of the repose of judgments . . . courts of equity have been cautious in exercising their power [in upsetting judgments] . . . But when the occasion has demanded, where enforcement of the judgment is 'manifestly unconscionable' . . . they have wielded the power without hesitation."[36]

Until the Supreme Court re-defines its position the "manifestly unconscionable" test will be the only test, and it will remain, as it has been, that despite Federal Rule 60(b) there is no federal rule at all.

[34] Shammas v. Shammas, *supra* note 32, 88 A.2d at 208, "[U]pon principle, we hold that relief for fraud upon the court may be allowed under our rule whether the fraud charged is denominated intrinsic or extrinsic."
[35] 96 F.Supp. 988 (W.D.N.Y. 1951).
[36] *Id.* at 993.

Exhibit 17

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April 22, 2023

Honorable Jennifer L. Rochon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kaul/Basch v ICE: 23-CV-2016
K11-10
Plaintiffs Response to Defendant Allstate's letter (D.E. 3)

Dear Judge Rochon,

We (hereinafter **"Plaintiff Kaul"** and **"Plaintiff Basch")** write this letter in response to Defendant Allstate's procedurally improper, motion purposed April 19, 2023 letter, to respectfully request that for the below reasons, the Court deny their request and direct them to admit or deny the facts:

1. 'Fraud on the Court'

The doctrine of 'Fraud on the Court', and the pled facts, authorize and substantiate the filing of K11-10 (D.E. 1 Page 4 + 82 of 169).

2. New Evidence/Facts

(i) SEDIMA, S. P. R. L. v. IMREX CO., INC., ET AL. No. 84-648. 473 U.S. 479 (1985); **(ii)** AGENCY HOLDING CORP. ET AL. v. MALLEY-DUFF & ASSOCIATES, INC. No. 86-497. 483 U.S. 143 (1987); **(iii)** LAWLOR ET AL., TRADING AS INDEPENDENT POSTER EXCHANGE, v. NATIONAL SCREEN SERVICE CORP. ET AL. 349 U.S. 322 (1955) all stand for the proposition that pursuant to RICO, a new claim accrues with every **"new"** offense, every **"new racketeering injury"** and generally when there exists, as here, an **"ongoing pattern of racketeering"**, as evidenced by **The Kaul Cases** Defendants' (including the K11-7 Defendants) illegal obstruction and ongoing violation respectively of Plaintiff Kaul's right to prosecute his claims, his right to have reinstated his illegally seized New Jersey medical license, his right to effectuate procedure to have issued his Pennsylvania medical license and his human/constitutional right to liberty and life (D.E. 1 Page 7-13 of 169).

3. Related Cases

Contained within the themes and subject matter of **The Kaul Cases** is the issue of insurance industry/hospital orchestrated conspiracies with certain governmental agencies. The perpetrated schemes involve the elimination from the healthcare market of principally elderly/ethnic minority physicians, through license suspension/revocation and or incarceration, in order to increase insurance/hospital corporate profit at the expense of fraudulently procured physician labor, for which the corporations illegally withhold payment.

This subject matter has underpinned and underpins multiple civil and criminal cases within the United States District Court, excerpts of which are attached to this response (**Exhibit 1**) as they not only corroborate the K11-10 claims, but evidence a scheme far deeper, wider, and more criminal than any alleged in **The Kaul Cases**. A scheme, the exposure of which in December 2022 in the matter of USA v Pompy, Case No. 18-cr-20454 (District of Michigan) prevented a four hundred (400) year incarceration of an innocent Haitian physician. Enclosed in (**Exhibit 1**) is an excerpt from Kaul v BCBS: 23-CV-00518 (K11-11) that contains the incriminating testimony of an undercover insurance industry investigator. Dr. Pompy was fortunate, but hundreds, if not thousands of other physicians were not, many of whom remain incarcerated or under the process of indictment all to increase the profit of corporations such as Defendant Allstate, an entity whose business strategy involves illegal tortious interference in physicians practices (**Exhibit 2**).

4. Invalidity of Defendant's Plea

Defendant Allstate argues that because K11-7 was dismissed and because K11-7 is identical to K11-10, that therefore K11-10 should be dismissed. This argument is false for the reasons asserted above in points 1 and 2, but implicit in Mr. D'Aloia's letter and evident in his disdain for proper procedure is that regardless of the law and facts, the Court should dismiss the case for reasons that have no relation to the law and facts. However, even if one were to understand Mr. D'Aloia's procedural deviation as a vigorous defense of his client, his letter unequivocally consolidates his client's proximate involvement in the commission of the 'Fraud on the Court', in that it is unaccompanied by any affidavits from any relevant persons denying the scheme. Defendant Allstate should simply exercise its right to admit or deny the K11-10 facts, a right it has had since 2016, but a right it has chosen to ignore, the ignorance of which has knowingly caused and continues to cause a violation of Plaintiff Kaul's human/constitutional rights.

Throughout **The Kaul Cases** into and including K11-7, Defendant Allstate's defense strategy has been to cause the commission of improprieties within the judicial body, a strategy it has successfully employed in New Jersey state courts since at least 1995. As with all such schemes, they eventually become exposed and caused to cease. The issue of improper judicial influence is now before the Senate Judiciary Committee (**Exhibit 3**), an investigation we believe will disincentivize the perpetration of these corporate schemes and prohibit/reverse their diminution of the high ethical standards of the federal judiciary.

Plaintiffs Kaul and Basch respectfully request the Court deny the relief requested by Defendant Allstate, and direct them to admit or deny the K11-10 claims/facts.

We thank you for your attention to this matter.

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Exhibit 1

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

OMONDI NYONG'O **Plaintiff,** v. SUTTER HEALTH, PALO ALTO MEDICAL FOUNDATION, and PALO ALTO FOUNDATION MEDICAL GROUP, **Defendants.**	**Case No. 4:21-cv-06238-YGR** **FIRST AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF** **JURY TRIAL DEMANDED**

Plaintiff, Dr. Omondi Nyong'o, by and through his attorneys at Lieff Cabraser Heimann & Bernstein LLP, brings this action against Sutter Health, Palo Alto Medical Foundation ("PAMF"), and Palo Alto Foundation Medical Group ("PAFMG") (collectively, "Sutter") for violations of California law arising from a racially toxic workplace. Plaintiff alleges as follows.

I. INTRODUCTION

1. Sutter is one of California's largest integrated health delivery systems, serving 3.5 million members and employing over 55,000 individuals.

2. Plaintiff, Dr. Omondi Nyong'o, is a nationally and internationally recognized Black surgeon who has been employed by Sutter for almost 13 years. He completed his undergraduate studies at Brown University, his medical schooling at the University of California, San Francisco (UCSF) School of Medicine, and his ophthalmology residency at the University of

some patients (or their families) making sizable donations to Sutter in gratitude for Dr. Nyong'o's service.

19. Notwithstanding Sutter's willingness to exploit Dr. Nyong'o's considerable medical skills, patient service, and contributions to the Sutter community in order to advance its own corporate reputation in the areas of philanthropy and diversity and inclusion, Sutter has subjected Dr. Nyong'o to racial trauma arising from racist and discriminatory employment decisions against Dr. Nyong'o and due to a workplace culture which generally disrespects, undermines, and disciplines African American staff and doctors, including Dr. Nyong'o, due to racial bias.

20. The racist environment that permeates Sutter also limits opportunities for other Black doctors, impairs their ability to achieve their potential professionally and financially, and subjects them to racial trauma at work. Dr. Nyong'o's Black colleagues have worked extraordinarily hard over the course of their medical careers only to find that their accomplishments are devalued and that there is a glass ceiling for Black doctors at Sutter. The Black doctors at Sutter support one another, but remain demoralized by the lack of respect, heightened scrutiny, and toxicity directed at them by Sutter leadership. In order to survive at Sutter, Black doctors report that they are advised to keep their head down and remain unseen.

21. Currently, there are no Black leaders whatsoever in Sutter's senior ranks. Moreover, only three of the 354 doctors in any leadership position across Sutter are Black (less than 1%). These three Black doctors hold the lowest title, Tier 1 (head of their individual clinic). Two are in Alameda, and one in Santa Cruz (only recently appointed in December 2020).

22. Like other Black doctors at Sutter, Dr. Nyong'o has experienced numerous racially traumatizing events at work. For example, early on in his career, Dr. Nyong'o's Tier 1 leader praised Dr. Nyong'o for "not being like" another more senior Black doctor who has "a chip on his shoulder." Dr. Nyong'o was further warned not to become like the more senior Black doctor and also develop a "chip on [his] shoulder" because she could tell "you two are friends because you are the same people/race." In the fall of 2017, a current PAFMG board member, noting the dearth of Black leaders and lack of corporate support stated to Dr. Nyong'o that "people like you

Evidence + Related Cases

5. UNITED STATES OF AMERICA v. LESLY POMPY: 18-cr-20454 – UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN: Dr. Pompy was criminally charged on June 26, 2016, with a thirty-seven (37) count indictment in which he was accused of allegedly having dispensed opiates and other commonly prescribed pain reducing medications on certain dates to approximately fifteen (15) patients in 2016. Dr. Pompy, who had been in practice for over thirty (30) years was the largest provider of pain management services in his county, and had successfully treated tens of thousands of patients. The criminal trial commenced on November 28, 2022, and concluded on January 4, 2023, with an acquittal by the jury on all thirty-seven (37) counts. The trial resulted in the production by a BCBS investigator of testimony highly to the insurance company's **"ongoing pattern of racketeering"**, in which with it, with its state-co-conspirators, has perpetrated through and under state-cover hundreds of RICO predicate acts, that include wire fraud/entrapment/evidence tampering/falsification medical records/issuance of fraudulent of state driving licenses by state police/subornation re production of fraudulent medical documents by physician employees of Defendant BCBS/formalization and education at special undercover training units for BCBS investigators of tactics of entrapment and their subsequent propagation against physicians.

On December 2/3, 2022, testimony was provided by Mr. James Stewart Howell, a person who after having retired from the police force, was hired and trained by BCBS to conduct undercover operations, targeting principally ethnic minority/foreign trained physicians whom BCBS wanted eliminated (license revocation/incarceration/suicide/death) in order to eradicate their debt to the physician, and eliminate the competitive threat posed by their continued practice in the relevant healthcare market.

Excerpts of Mr. Howell's testimony are included below, and the entire two (2) day transcript is enclosed (**Exhibit 3** December 1, 2022 – Direct Examination) (**Exhibit 4** December 2, 2022 – Direct + Cross Examination):

Conspiracy to commit fraud
BY MR. CHAPMAN – Page 99 Line 11-25 (Howell defense cross examination) **(Exhibit 4):**
Q. All right. So, let's start with January 5th. Your goal is to go into Dr. Pompy's office and see if you can get seen? A. Yes, sir.
Q. You were told by the front desk that you need to have a referral for pain management?
A. That's correct.
Q. You go to Blue Cross Blue Shield and say, "He won't see me without a referral," right?
A. Right.
Q. They set you up with Dr. Robertson?
A. Yeah.
Q. Now, you understand how the referral system of medicine works, right? Doctors refer patients to other doctors when they're not able to help that specific issue?
A. It -- I -- yeah, I understand the basic sense of that, but ...

Evidential Falsification/Tampering with medical records/Wire fraud

BY MR. CHAPMAN - Page 101 Lines 1-25 + Page 102 Lines 1-25 + Page 3 Lines 1-17 (Howell defense cross examination) **(Exhibit 4)**:

MR. CHAPMAN –Government Exhibit on page 7, Government Exhibit 1, page 7?
MS. OUELETTE: Is that page 7?
MR. CHAPMAN: Yes, please.
BY MR. CHAPMAN:
Q So I think you were correct that the – the other documents said back and nerve problems, but here we have a prescription, right?
A. Yes.
Q. And this is from Dr. Robertson?
A. It is, yes.
Q. And it says for pain management, right?
A. Yep, it just says the words "pain management."
Q. And that's Dr. Robertson's signature?
A. Yes.
Q. Now, that was dated December 10th, 2015, correct?
A. It was.
Q. You had Dr. Robertson backdate this referral to make it look like it was made before you showed up on January 5th?
A. I – I don't recall the -- the timeline of that being signed or dated.
Q. Mr. Howell, there must have been some discussion about this. This is a medical record, right?
A. It is.
Q. You're aware that falsification of a medical record is a felony in the State of Michigan?
A. It is, yeah.
Q. Did you have any special authorization to commit a felony in the State of Michigan, to create that false medical record?
A. No, my intent was -- no intent to commit a felony. My intent was to further the investigation and get a pain management referral. There was no --
Q. The question was did you have any special permission to commit a felony in the State of Michigan and alter a medical record?
A. I – I didn't alter that document.
Q. You had Dr. Robertson do that, right?
A. He wrote that pain management referral. I didn't write it.
Q. Was your conversation with Dr. Robertson to receive pain management on December 5th or was it after January -- on December 10th or was it after January 5th?
A. It was after January 5th.
Q. That date's false?
A. That date's false. I talked to him after January 5th, 2016.
Q. The need for pain management is also false?
A. Right.
Q. Okay.

A. It's – yeah.
Q. Did you talk to any health care professionals about whether getting a referral for pain management would give a doctor an indication that you have a legitimate medical injury?
A. No. Just I talked to Dr. Robertson about this referral. It's -- didn't go anywhere else.
Q. Did you talk to Blue Cross Blue Shield about this referral?
A. I think my manager knew I did this, yeah.
Q. Your manager said it was, okay?
A. Yeah.
Q. Did you have Dr. Robertson date that referral on December 10th or did he just do that himself?
A. I don't remember any discussion about what the date was. Q. So it just magically happened to be backdated to before you ever stepped foot in Dr. Pompy's office?
A. I didn't say that.
Q. Okay.

Evidential Falsification/Tampering with medical records/Wire fraud/Entrapment/Conspiracy to commit fraud
BY MR. CHAPMAN - Page 143 Line 7-20 + Page 144 Line 1-25 (Howell defense cross examination) **(Exhibit 4):**

Q. In fact, during the entire time you saw Dr. Pompy, there are many of those tests that you didn't complete?
A. Many of them that I did not do, that's correct.
Q. You informed his office staff that insurance wouldn't cover it?
A. The discussion about what was not covered was in regard to an MRI, which is expensive.
Q. Was it true that Blue Cross Blue Shield wouldn't cover the test that was ordered by Dr. Pompy?
A. I don't know if it would have been or not. I didn't discuss it with anyone really.
Q. Just like you did with the X-ray, you had the ability to go to Dr. Robertson and falsify another MRI study, right?
A. I -- sure, I guess I could have ...

A. He would have probably assisted like he did on the other one.
Q. Because he's willing to falsify medical records for you, right?
A. He's willing to assist me.
Q. Okay. But you didn't do that, you didn't present a normal MRI. You said, "My insurance won't cover it."
A. I did, yep.
Q. Because you were concerned that if you came into that office with a normal MRI, Dr. Pompy would say, "I don't see anything wrong with you."
A. Yeah, I just did not want to -- didn't want to get an MRI and bring it in there or falsify one.
Q. Then that's the end of the operation, right?
A. I don't --
Q. You don't get your man?

A. I don't think so.
Q. Okay. Same thing with the referral. You don't falsify that referral to get into Dr. Pompy's office, that's the end of the operation?
A. Yeah, if you didn't come up with a pain management referral, I don't think they would accept you there.
Q. The only reason you got treated by Dr. Pompy was because you were willing to go so far as to falsify medical records to get in?

Evidential falsification/Diversion drugs by undercover agent
BY MR. CHAPMAN - Page 157 Line 17-25 + Page 158 Line 1-25 + Page 159 Line 1-25 + Page 160 Line 1-25 + Page 161 Line 1-7 (Howell defense cross examination) (Exhibit 4):

Q. Now, during that April 26th visit, you also tested positive in a point of care cup for benzodiazepines, isn't that, right?
A. I don't think that's right. I don't think there was a point of care test.
MR. CHAPMAN: Can we take a look at Government's 1, page 59? Can you blow up the box where it says
"Benzodiazepines"?
BY MR. CHAPMAN:
Q. You see a positive for benzodiazepine, sir?
A. I see that.
Q. Okay. And this is an indication that the point of care cup that you dropped a sample in showed positive for benzodiazepines?
A. If you could back that out so I can see -- I don't -- I don't recall that saying point of care above that.
Q. We can do that.
You're aware from reviewing these tests that if there's a confirmation study, usually it shows the metabolite levels in the urine?
A. I have seen that, yes.
Q. And if it's a point of care cup, it's usually filled out by hand?
A. Usually, yeah, 'cuz it's done on the spot.
Q. Somebody's trying to interpret that test?
A. Right.
Q. And you're aware from your knowledge as an investigator that these point of care cups can be very inaccurate?
A. I can't really talk about the accuracy of those. I -- I don't know the -- the total -- the accuracy of them.
Q. After you had a positive test for barbiturates and also benzodiazepines, did you think that these tests are accurate?
A. Those particular ones are not, no.
Q. Okay. So, in your experience there's inaccuracies?
A. Oh -- on -- yeah, on this case for sure there's inaccuracies.
Q. You also went over --
MR. CHAPMAN: And we can take that down. Thank you. BY MR. CHAPMAN:

Q. -- a positive barbiturate test from your urine sample, I believe it was from March 22nd, right?
A. That's correct.
Q. And you were informed of those results on April 26th?
A. That's right.
Q. Over a month later?
A. Yes.
Q. Okay. At that point you hadn't received any medications from Dr. Pompy?
A. Right. At the time they were discussing the results of the test I had not been prescribed any medication.
Q. So --
A. Is that what you're asking?
Q. Yes.
A. Okay.
Q. I don't mean to be redundant, but you dropped a sample on March 22nd, you learn of the results on April 26th?
A. That's correct, yes.
Q. You also mentioned that at that time, within 48 hours you went to Blue Cross and got your own test done?
A. I did.
Q. Had you taken a barbiturate, that would have been long gone from your system a month later, right?
A. I don't know.
Q. I imagine the positive test caused quite a stir at Blue Cross Blue Shield?
A. I -- it had me pretty upset but I don't know about causing a stir. I -- I definitely thought it was important to address it immediately.
Q. Without going over the whole thing, that same day, 4-26-26, you filled out a pre-visit questionnaire?
A. Yes.
Q. You again said your pain began ten years ago?
A. I believe so, yes.
Q. You said it was a level 5?
A. Yes.
Q. You said it stayed the same and is continuous?
A. Yeah. I kept indicating stiffness and circling 5s and continuous and --
Q. You said it was -- I'm sorry I cut you off. You said it was worse in the morning?
A. Yeah.
Q. You said you were using physical therapy to cope?
A. Yes.
Q. You did not indicate any other new symptoms?
A. Correct.
Q. And then you also indicated that you were taking Xanax at that time, right?
A. I did, yes.
Q. But that was a false statement because you weren't prescribed any Xanax?
A. That's true.

Conspiracy to entrap and illegal concealment/non-contractual disclosure from public of health premium fund diversion to 'Blues Academy'
BY MR. LIEVENSE – Page 8 Line 3-25 (Howell direct examination) (**Exhibit 3**):

Q. And what type of in-house training did they provide you? A. We did a training as far as we did a -- like a -- we called it a Blues Academy which -- which covered an entire range of health care investigations. We talked about undercover activities and things like that.
Q. Did you also have to learn how to become familiar with like Blue Cross Blue Shield data and information?
A. Yes.
Q. At some point did you become an accredited health care fraud investigator?
A. Yes.
Q. Is that a program -- was that a program kind of outside of Blue Cross training?
A. Yes.
Q. And what -- what -- what did that training entail?
A. That is -- to be an accredited health care fraud investigator, you had to be a member of the NHCAA, which is National Health Care Antifraud Association, and then you have to have five years' experience doing health care investigations, and then you also had to pass 150-question test to be -- to get that certification.

Conspiracy with state to commit fraud/issue fraudulent official documents
BY MR. LIEVENSE – Page 14 Line 11-25 (Howell direct examination) (**Exhibit 3**):

Q. Now, do you use your normal driver's license that's issued by the Secretary of State that you've had since you turned 16 years old?
A. No.
Q. All right. Do you -- are you able to get an undercover driver's license?
A. Yes.
Q. Now, how do you go about getting one of those?
A. There's a process we go through. I would -- I submit it to my manager and then it goes to the Michigan State Police, from there to the Secretary of State of Michigan.
Q. And so when you want to get an undercover driver's license, do you have to go to a special location, or do you just go to the local Secretary of State?
A. Both ...

Conspiracy with state to commit fraud/issue fraudulent official documents
BY MR. LIEVENSE – Page 16 Line 4-15 (Howell direct examination) (**Exhibit 3**):

Q. And would you need an insurance card that matched your undercover driver's license?
A. Yes.
Q. And so once you received an undercover driver's license from the State of Michigan, what would you need to do to get an undercover insurance card?

A. Submit -- submit a form under that same name to someone who reviews it and then they actually get a physical, actual plastic card made.
Q. And why do you use an undercover driver's license and undercover Blue Cross Blue Shield insurance card instead of your personal ones?

Conspiracy with state in furtherance of schemes of fraud and entrapment/unaccounted for diversion of prescription drugs
BY MR. LIEVENSE – Page 45 Line 7-23 (Howell direct examination) **(Exhibit 4)**:

Q. Like to show you Government's Exhibit 1A.
After you received the prescription from Dr. Pompy on April – the two prescriptions on April -- well, the Norco and the Lyrica prescriptions on April 26th, what did you do with them?
A. I went and filled them, and I was with the Michigan State Police and turned them over to them.
Q. So you first went to a pharmacy?
A. That's correct.
Q. And you filled the prescription?
A. Yep.
Q. And then once you got the prescription and the pills, what did you do?
A. Turned them over to them immediately, had them count them just to make sure.
Q. By them, you said it was the Michigan State Police?
A. Yes.

6. NEIL ANAND v. INDEPENDENCE BLUE CROSS: 20-cv-062456 – UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA: Dr. Neil Anand, an Indian origin Pennsylvania based Interventional pain physician, who established a highly successful interventional pain practice, was indicted by the US Government in 2019, on almost exactly the same charges as those levied against Dr. Pompy and many other ethnic minority physicians. In these cases, there is either no evidence or fraudulent 'evidence', and most charged physicians plead guilty, even though they know they are not guilty, but they are unable to fund a defense, as their assets are illegally seized. Dr. Anand attended D. Pompy's trial on every day. In late 2020, Dr. Anand, having calculated that Defendant Independence BCBS had conspired with state/federal investigative/prosecutorial/adjudicative agencies to manufacture the indictment against him, did then initiate a civil suit against BCBS. However, his efforts to prosecute the case and procure further evidence was obstructed by Defendant BCBS, and the case was eventually dismissed. Dr. Anand appealed to the Third Circuit Court of Appeals, and on June 29, 2021, the Appellate Court remanded the case to the district court (**Exhibit 5**). Consequent to the January 4, 2023, widely publicized acquittal of Dr. Pompy, the district court in Dr. Anand's case dismissed Defendant Independent BCBS's motion to dismiss, and ordered it to answer the claims (**Exhibit 6**). The lower court's decision was also based on argument/fact/law submitted by Dr. Anand in his January 4, 2023, responsive brief to Defendant motion to dismiss (**Exhibit 7**), in which he submits binding case law, in which the United States District Court has conclusively found that BCBS is a recalcitrant and chronic antitrust violator. BCBS's **"patterns"** of ongoing misconduct commenced against Kaul in 2005/2006, but were concealed from Kaul until

recently, who only came into their possession as a consequence of Dr. Anand's extensive state/federal Freedom of Information (FOI) requests in 2022 that exposed the Defendants' so called 'Health Fraud Partnership'. Dr. Anand's evidence was conclusively corroborated during Dr. Pompy's trial and acquittal. A jury of twelve (12) people believed that there does indeed exist a **"vast conspiracy"** between government agencies and private/corporate interests, that targets successful ethnic minority physicians. The referenced section of Anand's January 4, 2023, submission is:

"Plaintiff [ANAND] Has A Valid Sherman and Clayton Act Anti-trust Claim.
The monopolistic and price fixing activity of the Blue Cross Blue Shield Companies is of common public awareness due to its recent antitrust settlement, arising from a class action antitrust lawsuit called In re: Blue Cross Blue Shield Antitrust Litigation MDL 2406, which was reached on behalf of individuals and companies that purchased or received health insurance provided or administered by a Blue Cross Blue Shield company. The Class Representatives reached a Settlement on October 16, 2020, with the Blue Cross Blue Shield Association and settling Individual Blue Plans that knowingly violated antitrust laws by entering into an agreement not to compete with each other and to limit competition among themselves in selling health insurance and administrative services for health insurance. See https://www.bcbssettlement.com/. Pursuant to collateral estoppel, the restraint of trade by Blue Cross Blue Shield Association and its franchisees has been determined under In re Blue Cross Blue Shield Antitrust Litig., FINAL ORDER, Master File No.: 2:13-CV-20000-RDP (MDL NO.: 2406) (N.D. Ala. 2018). The FINAL ORDER provides on Pages 1-2: "This litigation began more than nine years ago and involves the consolidation of a number of actions filed by Subscriber Plaintiffs against the Blue Cross and Blue Shield Association ("BCBSA") and its Member Plans (the "Member Plans" or "Blue Plans") (collectively, "Defendants" or "Blues"). Subscriber Plaintiffs allege, among other things, that Defendants violated Sections 1, 2, and 3 of the Sherman Antitrust Act, 15 U.S.C. §§ 1-3, by entering into an unlawful agreement that restrained competition between them in the markets for selling health insurance and the administration of Commercial Health Benefit Products in the United States and its territories. Subscriber Plaintiffs contend that the Blues: (1) allocated geographic territories; (2) limited the Member Plans from competing against each other, even when not using a Blue name, by mandating a minimum percentage of business that each Member Plan must do under that name, both inside and outside each Member Plan's territory; (3) restricted the right of any Member Plan to be sold to a company that is not a member of BCBSA; and (4) further agreed to other ancillary restraints on competition. (Doc. # 1082).
IBC is utilizing its monopoly market power to increase insurance premium prices and deductibles for its Members negatively. IBC and its "most favored" groups of health providers through Facilitated Health Networks (FHN), engage in anticompetitive conducts, i.e. price fixing, geographic market division, and group boycott (attack of non-white physicians prescribing controlled substances) which are causing market injury to individual physicians and small groups and are illegal per se. IBC in their own public announcements claim they are the largest and leading health insurer in Philadelphia (supported by USDOJ findings supra), and is utilizing its monopsony market power by substantially controlling physician treatment plans and reducing physician fee schedules, as IBC is the major purchaser of health services

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

DR. SHIVA AKULA,

Plaintiff,

CIVIL CASE
CASE NO: 2:23-cv-01057
SECTION: "R" (1)
JUDGE SUSIE MORGAN

JEFFREY LANDRY, ATTORNEY GENERAL
OF THE STATE OF LOUISIANA,
XAVIER BECERRA, SECRETARY OF HUMAN
AND HEALTH SERVICES, KATHRYN MCHUGH,
RACHEL MURPHY, MD, AGENT ROBERT CHADWICK,
AGENT GREEN, CHRIS McMAHON, KELLY ANDERSON,
NIKITA MURPHY, VASCHELLE HASTINGS,
KIEMOND WILLIAMS, SHAYVON AUGUSTINE,
BETH SEYMOUR, PALMETTO GBA,
BERNARD CASSIDY, ESQ. and ROBERT TOALE, ESQ.

Defendants.
_____/

AMENDED COMPLAINT

NOW INTO COURT, Plaintiff , DR. SHIVA AKULA, ("Akula" and/or "Dr. Akula" , a licensed health care practitioner and owner of Canon Hospice which has its principal place of business in the Eastern District of the State of Louisiana, alleges and avers as follows:

owner, Plaintiff owns Canon Hospice which has four (4) locations, three of which are located in Louisiana, and one is located in Mississippi. Within the three (3) hospice locations in Louisiana, approximately 75 patients are cared for on an outpatient basis daily and 15 patients on an inpatient basis. All in all Canon hospice locations provide end of life care to approximately 243,600 patients in the State of Louisiana.

A. General Background

Two events preceded the formation of the criminal enterprise which eventually brought about the "Racketeer Influenced and Corrupt Organizations".

The First Event Leading to the Formation of the Criminal Enterprise

In 2012, pursuant to a total of three separate complaints filed by Dr. Akula against the Secretary of Health and Human Services, a settlement check in the amount of **$704,881.58**, was issued to Dr. Akula in order to settle all claims raised in (a) Canon Health Care v. Secretary of Health and Human Services 2:12-cv-2120, (b) Canon Health Care v. Secretary of Health and Human Services 2:10-cv-3150, and (c) Canon Health Care v. Secretary of Health and Human Services 2:11-cv-2066.

Immediately after the check was issued and cashed, Dr. Akula received notification that audits were initiated into "99-patients" who were billed for services rendered by Canon Healthcare. These audits were in response to one of

the largest settlement checks that was issued to Dr. Akula by the Secretary of Health and Human Services. An immediate response was to find ways to initiate a criminal investigation against Dr. Akula by the Eastern District of Louisiana in order to recoup this large amount from the settlement.

In 2018, a search warrant was executed by the FBI, with Special Agent Krista Bradford at the direction of the United States Attorney from Eastern District on Canon Hospice based on the audit that was initiated immediately after the settlement.

The Second Event Leading to Formation of the Criminal Enterprise

When former employees like Defendants Kelly Anderson and Rachel Murphy heard of the news of federal criminal investigation against Canon Health following the 2018 raid, and especially after Defendant Anderson was interviewed by FBI agents in December of 2018, they formed their own enterprise which involved a scheme to skim, steal and unlawfully enrich themselves by initiating a payroll scheme fraud. The scheme was predicated by numerous grievances raised by Defendant Anderson who threatened Dr. Akula with professional and financial ruin if she was not given a salary promotion.

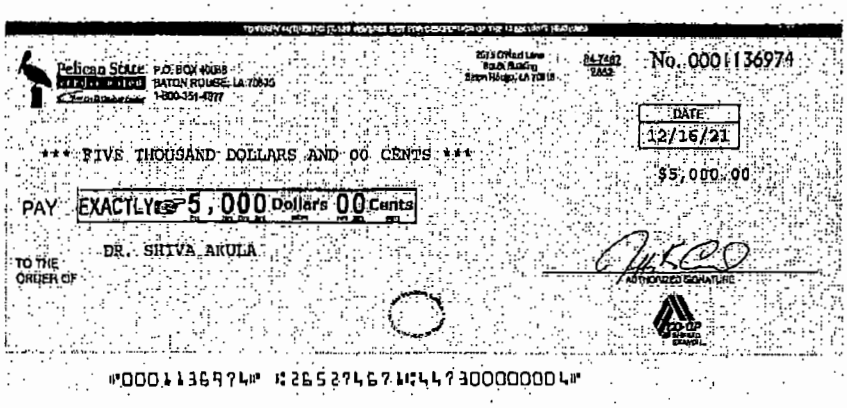
Defendant Anderson's threats against Dr. Akula included threats that if Dr. Akula does not authorize a promotion for Defendant Anderson that Defendant Anderson will guarantee that Dr. Akula will face bankruptcy.

The criminal investigation of 2018 created vulnerability for Dr. Akula which Defendants Anderson and Murphy capitalized on in order to perpetuate the criminal enterprise against Dr. Akula and Canon Healthcare. Defendant Anderson had an advanced employee status with Canon and was the Administrator for the Northshore Location of Canon Hospice. Defendant Rachel Murphy was at all times a physician contracted by Canon to see hospice patients who was paid on a per diem basis.

Starting in or about 2019, Defendants Kelly Anderson with the help and assistance of Defendant Rachel Murphy masterminded and put into operation a payroll fraud scheme that consisted of (1) issuance of double paychecks to employees within the enterprise 2022 and consists of the following elements: Under the direction of Defendant Anderson, multiple duplicate payroll checks were issued to the following employees of Canon Hospice: Defendant Vaschelle Hastings, Defendant Kiemond Williams, Defendant Shayvon Augustine and Defendant Nikita Murphy. Because payroll was processed internally under the supervision of Nikita Murphy, Defendant Anderson, who was Administrator at Northshore Canon, directed, instructed and implemented the issuance of fraudulent duplicate payroll checks for these four former employees at Canon. This scheme was put in place in order for Defendant Anderson to be able to cover her

receipt of overtime payments which are not permitted under Louisiana Statute as Defendant Anderson was a full time employee.

In late 2021, Dr. Akula uncovered the payroll scheme and immediately terminated Defendant Vaschelle Hastings who was the only one left from the enterprise members who was still employed by Canon Hospice. Realizing that she was caught red handed, Vaschelle Hastings began to make payments to Canon Health Care. These payments were mailed to Canon Health Care as cashier's checks that included amounts from $500 to 5000. One such cashier's check was the following mailed to Canon Health in December 2021:



Cashier's checks in the amount of $5000 or less have continued to be mailed by Defendant Vaschelle Hastings to Dr. Akula with the most recent one being sent in March 2023. Each one of these cashier's checks were turned over to Agent Robert Chadwick who was the assigned agent out of the Attorney General's office

to this matter. None of these cashier's checks were cashed on the advice of Agent Chadwick who notified Dr. Akula that cashing these checks. Agent Chadwick initially showed diligence and was pursuing the investigation by issuing subpoenas to several cash payment app sites such as Cash App uncovering further conspiratorial scheme between Defendants Anderson, Hastings, Williams, Augustine and Murphy. Other evidence uncovered showed that Defendant Murphy was paid more than $1000 every month without seeing any hospice patient. The contract of Murphy required for her to see patients face to face in order to be deserving of payment by Canon Hospice. However, the evidence from the payroll fraud investigation uncovered that Defendant Murphy was not seeing any patients but still getting the payments which were controlled by Defendant Anderson. In addition, overtime payments to Defendant Anderson were uncovered which is impermissible under the statutory scheme of being hired as an Administrator for hospice.

Agent Chadwick reported his findings to Dr. Akula until January 2023. In January 2023, Agent Chadwick's investigation of this payroll fraud scheme came to a sudden halt.

The reason is because Defendant Kathryn McHugh uncovered that Agent Chadwick was going after her star witnesses in the prosecution of Dr. Akula under the baseless filed indictment of August 5, 2021 against Dr. Akula. Defendant

McHugh as agent of the United States Attorney's office in Eastern District of Louisiana ensured that Agent Chadwick stopped the progress of the investigation involving Defendants Kelly Anderson and Rachel Murphy in order so that she can have these witnesses appear with clean records and testify against Dr. Akula for the purpose of gaining a false and wrongful conviction against Dr. Akula. To date, in the matter of US v. Akula, Defendant McHugh has failed to disclose the impeaching evidence relating to her star witnesses, while she has also ensured that the Attorney General's criminal investigation was brought to a halt for the purpose of obstructing justice and for the purpose of Defendant McHugh being able to present these witnesses, Defendants Anderson and Murphy as well as the other former employees who were part of the payroll fraud, as clean and unencumbered witnesses without a credibility issue at Dr. Akula's criminal trial.

Defendant McHugh playing a central role in shutting down the criminal investigation involving payroll fraud criminal investigation initiated by state agency has also conspired with other Canon Hospice employees, to wit, Beth Seymour in an effort to embolden the criminal case filed against Dr. Akula. Specifically, Defendant McHugh did in fact cause, instructed, directed Beth Seymour who was an Administrator in the Canon Hospice facility in Mississippi to intentionally miss the deadlines for appeal on denied Medicare claims in order so

Exhibit 2

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY, ALLSTATE PROPERTY & CASUALTY INSURANCE COMPANY, ALLSTATE INDEMNITY COMPANY, and ALLSTATE FIRE & CASUALTY INSURANCE COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH, M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI R. SHAH, MD, LTD.; and RADAR MEDICAL GROUP, LLP dba UNIVERSITY URGENT CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

RADAR MEDICAL GROUP, LLP'S RESPONSE TO COUNTERDEFENDANTS' MOTION FOR SUMMARY JUDGMENT

(ORAL ARGUMENT REQUESTED)

REDACTED

Radar Medical Group, LLP ("Radar Medical"), by and through its counsel, responds to Allstate's Motion for Summary Judgment [ECF No. 458] (the "Motion"). As shown below, if the Court permits Allstate to argue that Radar Medical's counterclaims are not supported by the evidence—the subject of Radar Medical's Motion for Summary Judgment Regarding Allstate's Failure to File an Answer to the Amended Counterclaims [ECF No. 457]—there are genuine issues of material fact underlying the counterclaims. As a result, the Motion should be denied.

This Response is made and based on the papers and pleadings on file, the following Memorandum of Points and Authorities and exhibits attached thereto, and any argument as may be heard by the Court.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Allstate interfered with Radar Medical's relationships with personal injury attorneys and medical providers in an attempt to drive it out of business. Allstate's 30(b)(6) designee admitted that Allstate should not arbitrarily ignore a patient's bills from Radar Medical due to the filing of this lawsuit. Yet, the evidence shows that Allstate did just that—over and over again—irrespective of the economic harm that such actions inflicted upon Radar Medical.

Allstate's 30(b)(6) designee also admitted that Allstate should not use this lawsuit as a leverage point in negotiations of personal injury claims. Yet, the evidence shows that Allstate did just that—over and over again—irrespective of the reputational harm that flowed from telling members of the legal community that Radar Medical is a defendant in a RICO lawsuit.

Dating back to 2014, Allstate made it financially unattractive for personal injury attorneys to continue referring their clients to Radar Medical. Radar Medical's expert on personal injury law (Pete Wetherall, Esq.) opined that attorneys are influenced by actions taken by insurers when negotiating claims. The evidence shows that numerous attorneys and medical providers stopped referring patients to Radar Medical because of Allstate's actions. Indeed, such testimony, as exemplified in the numerous Declarations attached to this Response, is *unrefuted*—Allstate chose to not depose a single attorney or medical provider about changes in his or her referrals to Radar Medical and chose to not retain an expert to rebut Mr. Wetherall's opinion.

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counterclaims. For example, he opined that in his experience, an insurer (like Allstate) "would prefer to see [an] injured person go untreated" because – all other things being equal – "claims involving less medical care or less medical expense are settled for less money than claims involving more medical care or more medical expense." (Ex. 520 at pg. 4; *see also* Ex. 519 at 102:4-108:22.)

Next, Mr. Wetherall opined that in his experience, if an insurer "does not credit the treatment which [a] physician has provided on a lien basis as reasonable and necessary, the lien may not be able to be repaid at all, or its value may be significantly impaired." (Ex. 520 at pg. 6.)

Finally, Mr. Wetherall opined that in his experience, statements by an insurance adjuster to an attorney about a physician overtreating or overbilling a patient "would likely deter referrals from the law office to that physician."[6] (*Id.*; *see also id.* at pg. 16 (opining that the statements made by Allstate claims adjustors to attorneys, if true, "appear intended and likely to deter the Las Vegas personal injury attorney community from referring injured persons to Radar Medical Group").)

Turning to Ms. Melnykovych, she is a well-respected health management professional and certified fraud examiner in the medical industry. (Ex. 522-A at pgs. 1-5.) Based on her experience, she opined that [redacted] (*Id.* at pgs. 29-30.) [redacted] (*See id.*) According to Ms. Melnykovych, '[redacted] (Ex. 521 at 224:2-228:18.)

G. Radar Medical Discloses Competent Expert Testimony Regarding Damages.

In discovery, Radar Medical disclosed various categories of damages related to its counterclaims. (*See* Ex. 588 at 2:11-4:14.) First, Radar Medical disclosed those amounts from its

[6] Mr. Wetherall reiterated in his deposition that there is nothing wrong with an attorney referring a large number of patients to a specific medical provider. (Ex. 519 at 163:6-165:9.) He further opined that if Radar Medical has "enjoyed longstanding referrals from a variety of different plaintiffs' personal injury law firms," it would be indicative that they have a good reputation in this community. (*Id.* at 239:3-243:10.)

who brought claims against Allstate after the filing of this lawsuit, were treated on a lien basis. (Ex. 501 at ¶¶ 13-14.) When asked in discovery, Allstate confirmed its knowledge of the fact that Radar Medical treats accident victims on a lien basis. (Ex. 515 at 1294:11-1296:12, 1297:11-15.)

Notwithstanding, Allstate argues that it did not necessarily receive a copy of the Lien Agreement for each and every patient. (Mot. at 11:26-12:6.) This argument fails for two main reasons: *First*, Allstate had the bills (*i.e.*, CMS1500 Health Insurance Claim Forms), which showed that money was owed for services rendered and listed the patient's attorney (*see, e.g.*, Ex. 590); and, *Second*, Allstate could request a copy of the Lien Agreement from the patient's attorney (*see, e.g.*, Ex. 587 (asking the attorney [redacted])).

For purposes of an IICR claim, it is sufficient to show facts "from which the existence of the contract can reasonably be inferred." *J.J. Indus., LLC v. Bennett*, 71 P.3d 1264, 1267 (Nev. 2003). Radar Medical has done so here. (*See also* Ex. 510 at 114:24-25.)

3. Allstate Took Actions That Were Intended or Designed to Disrupt Radar Medical's Doctor-Patient Relationships.

As it relates to the third element, Allstate informed personal injury attorneys that Radar Medical allegedly overcharged for its services (Ex. 531 at pg. 11; Ex. 532 at pg. 9; Ex. 534 at pg. 12)—a false representation that was driven by inaccurate and misleading reports generated by claims adjusters through DecisionPoint. (Ex. 501 at ¶¶ 15-16.) Worse, Allstate went out of its way to inform attorneys that a RICO lawsuit had been filed against Radar Medical (*see* Ex. 581) and then—despite its 30(b)(6) designee's testimony and the directives within its claims handling manual—arbitrarily ignored treatment at Radar Medical. (*Compare* Ex. 514 at 91:7-15, 94:23-95:2, Ex. 585 at pgs. 20, 25, *with* Ex. 580.) It can hardly be said that such actions were proper; in fact, this Court previously found that such actions are improper. (*See* Order [ECF No. 220] at 4:11-21 & n.3.)

Notwithstanding, Allstate claims that because each patient was responsible for his or her bill irrespective of the outcome of his or her claim with Allstate, "Radars [sic] contractual rights [were] not affected." (Mot. at 19:20-21.) The argument is detached from reality.

The evidence shows that Allstate is keenly aware that attorneys negotiate reductions with medical providers upon resolving their clients' claims. (*See, e.g.*, Ex. 510 at 110:3-6.) The Lien

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2. Allstate's Knowledge of Radar Medical's Primary Source of Business.

As it relates to the second element, Allstate knows Radar Medical receives referrals from attorneys and medical providers. (Ex. 515 at 1298:6-1299:3; *see also* Ex. 526 at pg. 11, Ex. 529 at pg. 4, Ex. 530 at pg. 5.) While Allstate argues to the contrary without evidentiary support (*see* Mot. at 21:22-24), a defendant's knowledge of a plaintiff's business expectancies is a question of fact. *J.SH Sec. Indus. D.C.S. v. Bartech Sys. Int'l Inc.*, 2:07-cv-00277-RCJ-GWF, 2008 WL 11388608, at *8 (D. Nev. Oct. 6, 2008). Here, there is sufficient evidence to show that Allstate knew of Radar Medical's referral relationships and resulting expectancy in ongoing referrals.

3. Allstate Took Actions Intended to Harm Radar Medical By Inducing Personal Injury Attorneys to Cease Referring Patients to Radar Medical.

As it relates to the third element, as discussed above, Allstate gratuitously informed personal injury attorneys that it had filed this RICO lawsuit against Radar Medical. (Ex. 581.) In effect, Allstate weaponized this lawsuit to make it difficult for lawyers to negotiate claims involving Radar Medical. (Ex. 595 at ¶ 10; Ex. 597 at ¶ 11; Ex. 599 at ¶ 11; Ex. 600 at ¶ 11; Ex. 605 at ¶ 17.)

Notwithstanding, Allstate claims that it was acting in a manner consistent with legitimate claims handling practices. (Mot. at 24:27-25:8.) The argument is belied by the testimony from Allstate's 30(b)(6) designee (and the Court's prior ruling). (*See* Ex. 514 at 78:5-12, 91:7-15, 125:20-24, 151:23-152:4 222:10-223:25.) Allstate was looking for a way to cause personal injury attorneys to cease referring any patients to Radar Medical; again, [redacted]. In other words, Allstate was targeting a medical practice that was perceived to be adversely impacting its bottom line.[11] *See also Dodson*, 376 S.W.3d at 431 (affirming a punitive damages award in favor of a doctor who was targeted by Allstate as part of its "national claims practices and procedures to curb small, soft-tissue claims").

Allstate further claims that it did not intend to harm Radar Medical. (Mot. at 25:3-4.) An IIPEA claim only requires proof of intent to interfere with a prospective contractual relation. *See Las Vegas-Tonopah-Reno Stage Line, Inc. v. Gray Line Tours of S. Nev.*, 792 P.2d 386, 388 (Nev.

[11] As noted above, this Court already found that Allstate's actions would not constitute legitimate claim adjustment practices. (*See* Order [ECF No. 220] at 4:11-21 & n.3.)

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First, as confirmed by Drs. Russell and Dipti Shah *and* their former Office Manager, beginning in 2014 and continuing after the filing of this lawsuit, the practice started experiencing a decline in patients involved in motor vehicle accidents—not a decline in either Medicare patients or patients presenting for issues unrelated to motor vehicle accidents. (Ex. 501 at ¶¶ 22-23; Ex. 502 at ¶¶ 9-10; Ex. 603 at ¶ 7.) To that end, the decline in revenue at Radar Medical as reported by Mr. Gordon directly corresponds with the loss of patients injured in motor vehicle accidents.

Second, the factual underpinnings of Mr. Gordon's report are "of evidentiary weight instead of admissibility." *Hous. Expl. Inc. v. Meredith*, 728 P.2d 437, 439 (Nev. 1986). Allstate is free to cross-examine Mr. Gordon about his approach at trial, and "it [is] for the jury to determine the weight to be assigned [his] testimony." *Id.*; *see also Leavitt v. Siems*, 330 P.3d 1, 6 (Nev. 2014).

Notably, a similar approach to calculating damages was taken in *Dodson*. There, the court found that testimony about a projected loss of earnings based on historical financial data due to the physician's loss of referrals arising from Allstate's actions was sufficient to support the jury's verdict for compensatory damages. 376 S.W.3d at 426; *see also All Care*, 914 So. 2d at 219-20, 225-26 (finding sufficient testimony from a medical practice's damage expert that was based upon changes in referral patterns and profits from before and after an insurer's improper spewing of falsities about the practice even though the expert did not consider other possible factors).

For these reasons, the Court should find that Radar Medical disclosed expert testimony sufficient for a jury to calculate damages with reasonable certainty.

4. Radar Medical Also Seeks Damages for Harm to its Reputation.

Allstate assumes that Radar Medical is only seeking damages in the form of lost profits. Allstate overlooked that Radar Medical also seeks damages for harm to its reputation.

"Claims for intentional interference with a prospective business advantage and contractual relations seek compensation for damage to business interests." *Stalk v. Mushkin*, 199 P.3d 838, 841 (Nev. 2009). Because business interests "include intangible assets and inchoate rights," a plaintiff pursuing an IICR claim or an IIPEA claim may seek damages for harm to its reputation. *See, e.g.*, *Dronet v. Moulton*, 54 Cal. Rptr. 278, 282 (Cal. Ct. App. 1966); *see also RFK Retail Holdings, LLC*, 2016 WL 659717, at *4. Indeed, "[o]ne who is liable to another for interference with a contract or

prospective contractual relation is liable for damages for .... [a]ctual harm to reputation, if they are reasonably to be expected to result from the interference." Restatement (2d) Torts § 774A(1).[12]

Here, the *unrefuted* expert testimony of Ms. Melnykovych and the testimony of Drs. Russell and Dipti Shah confirm that Allstate's actions harmed Radar Medical's reputation. (Ex. 522-A at pgs. 29-30; *see also* Ex. 501 at ¶ 25; Ex. 502 at ¶ 13.) The financial calculations from Mr. Gordon are sufficient for the jury to consider in determining the proper amount of damages to award for such harm to Radar Medical's reputation. *See, e.g., Mut. of Enumclaw Ins. v. Gregg Roofing, Inc.*, 315 P.3d 1143, 1153-54 (Wash. Ct. App. 2013) (stating that a business seeking damages for harm to its reputation should "provide evidence of some measurable loss," such as "decreased income").

Allstate did not argue that damages for harm to reputation are unavailable to Radar Medical; nor could it, as the law plainly recognizes that a plaintiff pursuing an IICR claim or an IIPEA claim is not limited to seeking economic damages. Accordingly, the Court should find that a genuine issue of material fact remains regarding the damages suffered by Radar Medical.

IV. CONCLUSION

Allstate thinks that it has immunity in how it conducts business in Nevada. It does not. Allstate did precisely what its 30(b)(6) designee said that it should not do (and what it was held liable for in *Dodson*)—target a medical practice for no reason other than to drive it out of business.

Genuine issues of material fact remain for the jury related to Radar Medical's IICR and IIPEA claims. And, there is ample evidence for the jury to consider in calculating Radar Medical's damages (economic and non-economic). The Motion should be denied in its entirety.

DATED this 10th day of March, 2023.

BAILEY❖KENNEDY

By: */s/ Joshua P. Gilmore*
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JOSHUA P. GILMORE
TAYLER D. BINGHAM
Attorneys for Defendants and Counterclaimant

[12] The Nevada Supreme Court looks to the Restatement for guidance when analyzing IICR and IIPEA claims. *See, e.g., J.J. Indus., LLC*, 71 P.3d at 1267; *Las Vegas-Tonopah-Reno Stage Line, Inc.*, 792 P.2d at 388.

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Exhibit 3

Durbin invites Chief Justice John Roberts to testify on Supreme Court ethics before a Senate committee

By Lauren Fox and Tierney Sneed, CNN
Updated 4:12 PM EDT, Thu April 20, 2023

Anna Moneymaker/Getty Images

Committee chairman Sen. Dick Durbin (D-IL) arrives for a Senate Judiciary Committee business meeting on Capitol Hill on April 4, 2022 in Washington, DC.

(CNN) — Senate Judiciary Chairman Dick Durbin asked Chief Justice John Roberts or "another Justice whom you designate" to appear before his committee next month for a hearing on Supreme Court ethics rules – a request that is purely voluntary, with Durbin indicating he does not intend to subpoena the justice.

The call for testimony comes after Senate Democrats have raised questions about whether the ethical standards of the high court need to be reviewed or change in the wake of a ProPublica report that found Justice Clarence Thomas has gone on several luxury trips involving travel subsidized by GOP megadonor Harlan Crow.

Such a move would be extraordinary. But even if Democrats wanted to do it, they would have to wait for California Democratic Sen. Dianne Feinstein to return in order to have a chance of getting a majority vote in the committee. Feinstein has been absent as she recovers from shingles.

Republicans on the Judiciary Committee argued that Roberts should reject the request to testify, warning it would be "a circus."

"I would not recommend the chief accept the invitation because it would be a circus," Texas Republican Sen. John Cornyn told reporters. "He is a member of a coequal branch of government."

In his letter, Durbin argued that there is precedent for justices to testify before the committee, citing a hearing in 2011 when then-justices Stephen Breyer and Antonin Scalia appeared for a hearing.

"Since then, there has been a steady stream of revelations regarding Justices falling short of the ethical standards expected of other federal judges and, indeed, of public servants generally. These problems were already apparent back in 2011, and the Court's decade-long failure to address them has contributed to a crisis of public confidence," Durbin wrote. "The status quo is no longer tenable."

The Supreme Court did not immediately respond to a request for comment.

Durbin and Senate Democrats sent a letter earlier this month requesting a review of Thomas's travel and for Roberts to consider a new ethical standard for the court.

The letter noted that more than a decade ago, members of the committee had written the chief justice "urging the Court to adopt a resolution stating that the Justices of the Court abide by the Judicial Conference's Code of Conduct for United States Judges - a Code that binds every other judge in the federal judiciary," Durbin wrote.

Senate Republicans on the committee have not expressed the same level of concern as Democrats, instead defending Thomas and arguing there is no evidence that he violated reporting requirements the courts have in place.

"I probably would (decline) if I were him," Missouri Republican Sen. Josh Hawley said on Thursday reacting to the news of the request for Roberts to appear before the committee.

"They've already done what everybody is complaining about they should have done sooner. If they've already done it that's the end of it," Iowa Republican Sen. Chuck Grassley said.

Sen. Susan Collins, a Maine Republican who is not on the committee, told reporters that she would need to review the precedent for such a request before commenting.

"I think it's fine, if he wants to come," Louisiana Sen. John Kennedy said of the invitation.

gifts from Crow – and even a real estate transaction – that went unreported in Thomas' annual financial disclosures.

Thomas has argued the gifts that were financed by Crow went unreported because he had been advised that he was not required to do so, under an exemption in the court's disclosure rules for so-called "personal hospitality."

The undisclosed hospitality – as well as the sale of property Thomas partially owned to Crow – became public not long after Judicial Conference quietly closed a loophole in those rules that appears to have covered some of the hospitality Thomas received. The Judicial Conference updated the disclosure rules under pressure from lawmakers.

Thomas said that he intended to follow that updated guidance in the future, and a source close to the justice also told CNN in recent days that he planned to amend his disclosure form to report the real estate transaction.

With Durbin now inviting Roberts to appear before the committee, Democrats are framing their interest in hearing from him around the broader issue of the Supreme Court's failure to adopt ethics rules akin to the standards applied to lower courts and other branches of government.

Asked if lawmakers planned to dig deeper into the Thomas allegations, Sen. Mazie Hirono pointed to the investigation Democrats asked Roberts to launch with their Thomas-related letter last week. She told reporters that "really the idea of the code of ethics is what I'd like to get to, in as a cooperative a way as possible."

"I would hope that [Roberts] would want to come, as a leader of a separate branch of government," Hirono, a Hawaii Democrat, said.

Thomas' relationship with Crow is not the only ethics controversy in recent year that has brought scrutiny to the high court. Critics seized on Thomas' participation in cases connected to the 2020 election after CNN revealed last year that his wife Ginni Thomas exchanged texts with the Mark Meadows – then President Donald Trump's White House chief of staff – about Trump's efforts to overturn the 2020 presidential results. The House Judiciary Committee, when it was controlled by Democrats last year, held a hearing on Supreme Court ethics that looked at allegations of a well-financed, secret campaign seeking to influence the high court's conservatives.

The absence of any reference to ethics, given those controversies, in Roberts' end-of-the-year report for 2022 was a surprise to some court observers.

In past years, Roberts has stressed the ability of the Supreme Court to police itself, writing in the 2011 report that he had "complete confidence in the capability of my colleagues to determine when recusal is warranted." His 2021 year-end-report touted the importance of the judicial branch's "institutional independence."

Connecticut Sen. Chris Murphy alluded to the court's assertions that it could manage its

SUMMARY JUDGMENT FACTS + INSURANCE DEFENDANTS/CO-CONSPIRATOR HISTORICAL "PATTERN OF RACKETEERING" WITHIN THE NAZI HOLOCAUST

EXHIBIT 18 - 27

Exhibit 18

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD ARJUN KAUL, MD
DAVID BASCH, MD

Plaintiffs

v.

ROBERT HEARY

Defendant.

CASE NO.: 23-CV-2016 (JLR)

ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY

Dated: April 24, 2023

Context To Schemes And Violations

1. I admit that since approximately 1999, I have been a nationally recognized and highly influential leader within the political wing of the American neurosurgical community.

2. I admit that since approximately 1999, a substantial part of my time, effort and resources have been directed towards seizing power within the political wing of the American neurosurgical community.

3.I admit that since 1999 In have used this power to illegally exclude competition and to charge supra-competitive professional fees.

4. I admit that since 1999 my illegal charging of supra-competitive rates has caused me to illegally amass a personal material fortune.

5. I admit that my current personal net worth is in excess of five hundred million dollars ($500,000,000).

6. I admit that my personal net worth is in excess of five hundred million dollars ($500,000,000) was procured in large part through illegal schemes of racketeering, antitrust and violations of the civil, constitutional, and human rights of my competitors and others.

Facts Admitted In K11-7 As Proof Of Claims In K11-10

7. I admit I know that some of the facts that substantiate and or otherwise prove my knowing violation of Plaintiff Kaul's human rights and of the claims levied against me in K11-10, were facts unambiguously asserted in support of the claims levied against me in K11-7 by Plaintiff Kaul.

8. I admit that I read the complaint and amended complaint filed against me by Plaintiff Kaul in K11-7 respectively on August 19, 2021 (D.E. 1) and September 13, 2021 (D.E. 14).

9. I admit that in K11-7 I was represented by counsel, who clarified and explained to me the nature, character and meaning of the facts asserted against me in both complaints.

10. I admit that I understood and understand the nature, character and meaning of the facts asserted against me in K11-7 in both the complaint and amended complaint.

11. I admit that on December 23, 2021, I filed a procedural motion to dismiss (D.E. 144/145) the amended complaint.

12. I admit that I know that in filing the procedural motion to dismiss the amended complaint, I had the right to deny the facts asserted by Plaintiff Kaul.

13. I admit that I did not deny the facts asserted by Plaintiff Kaul.

14. I admit that the reason I did not deny the facts asserted by Plaintiff Kaul is because they are true.

15. I admit that I know that I had the right to file a summary judgment motion to dismiss the amended complaint.

16. I admit that I did not file a summary judgment motion to dismiss the amended complaint.

17. I admit that the reason I did not file a summary judgment motion to dismiss is because I had no evidence or facts to disprove the summary judgment standard truth of the facts asserted by Plaintiff Kaul.

18. I admit that on January 13, 2022, I filed a reply (D.E. 156/157) to Plaintiff Kaul's January 13, 2022, opposition papers (D.E. 155) to my December 23, 2021, procedural motion to dismiss (D.E. 144/145).

19. I admit that I know that in filing my reply to Plaintiff Kaul's January 13, 2022, opposition papers (D.E. 155) to my December 23, 2021, motion (D.E. 144/145) I had the right to deny the

facts asserted by Plaintiff Kaul in his September 13, 2021, amended complaint (D.E. 14) and January 13, 2022, opposition papers (D.E 155).

20. I admit that I did not deny the facts asserted by Plaintiff Kaul in his September 13, 2021, amended complaint and or his January 13, 2022, opposition papers (D.E. 155).

21. I admit that the reason I did not deny the facts asserted by Plaintiff Kaul in K11-7 is because they are true.

22. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that the facts were asserted directly at me.

23. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that the nature, character and meaning of the facts had been explained and clarified to me by my counsel.

24. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that I completely understood the nature, character and meaning of the facts.

25. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that I had direct knowledge of the truthfulness of the facts.

26. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that I was directly involved in the perpetration of the facts.

27. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that although I had the right and ability to deny the facts, I did not, because the facts are true.

28. I admit that my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 constitutes a tacit admission of the facts in that the substantial body of fact asserted in the amended complaint required it be admitted, denied, or dismissed with contrary evidence or fact, and it was not.

29. I admit that the absence of any ambiguity in my silence in failing to deny the facts asserted by Plaintiff Kaul in K11-7 tacitly substantiates the asserted facts.

30. I admit that my counsel clarified and explained to me the civil nature of K11-7.

31. I admit that I know that K11-7 was a civil proceeding with civil consequences.

32. I admit that there existed and exist no other factors to explain my silence in failing to deny the facts, other than my knowledge that the facts were and are true.

33. I admit that during the pendency of K11-7, I was not subject to any state and or federal criminal investigations, in which a denial of the facts would have deprived me of my right against self-incrimination.

34. I admit that during the pendency of K11-7, I was not subject to any state and or federal criminal investigations, in which an admittance of the facts would have deprived me of my right against self-incrimination.

35. I admit that during the pendency of K11-7, I was not subject to any state and or federal criminal investigations, in which a denial of the facts would have actually caused me to self-incriminate.

36. I admit that during the pendency of K11-7, I was not subject to any state and or federal criminal investigations, in which an admittance of the facts would have actually caused me to self-incriminate.

37. I admit that I knew and know that if the facts were not true, I could have simply denied the facts asserted by Plaintiff Kaul in K11-7, but I did not.

38. I admit that my knowledge of the truth of the facts asserted in K11-7 constitutes the sole basis for my silence in failing to deny the facts

39. I admit that my knowledge of the truth of the facts asserted in K11-7 constitutes the sole basis for my actual failure to deny the facts.

40. I admit that I know that if I were innocent of the charges levied in K11-7 and K11-10, I would have simply denied the facts asserted in K11-7, but I did not, because I am guilty of the levied charges.

41. I admit that I read the September 12, 2022, opinion, and order of the district judge (D.E. 168).

42. I admit that in K11-7 I was represented by counsel, who clarified and explained to me the nature, character and meaning of the opinion and order of the district judge (D.E. 168).

43. I admit that I understood and understand the nature, character and meaning of the opinion and order of the district judge (D.E. 168).

44. I admit that I know that the district judge did not find that my silence in failing to deny the facts in any of **The Kaul Cases** does not constitute a tacit admission of the facts, because the district judge knew that my silence did in fact constitute a tacit admission of the facts.

45. I admit that I know that the district judge did not find that my actual failure to deny the facts in any of **The Kaul Cases** does not constitute a tacit admission of the facts, because the district judge knew that my silence did in fact constitute a tacit admission of the facts.

46. I admit that I know that the district judge in K11-7 did not find evidentially invalid my admissions of undisputed fact in K1, that were submitted into evidence in K11-7, because the district judge did know that the K1 admissions of undisputed fact did prove the K11-7 claims.

The United Nations Universal Declaration Of Human Rights

47. I admit that I have read the attached document entitled 'Universal Declaration of Human Rights'

48. I admit that I have known about the 'Universal Declaration of Human Rights' since my attendance at college.

49. I admit that since my attendance at college there has been no diminution of my knowledge regarding the 'Universal Declaration of Human Rights'.

50. I admit that the absence of diminution of my knowledge regarding the 'Universal Declaration of Human Rights' is a consequence of my license mandated attendance at continuing medical education courses.

51. I admit that the continuing medical education courses involve modules on medical ethics and human rights.

52. I admit that certain courses have included modules on human rights violations committed during the Second World War by physicians associated with the Nazis.

53. I admit that I know, from these courses and my general reading, that the 'Universal Declaration of Human Rights' emerged in part as a consequence of human rights violations committed by physicians associated with the Nazis.

54. I admit that in 2005 I knew what rights were protected under the 'Universal Declaration of Human Rights'.

55. I admit that in 2005 I knew I was prohibited from conspiring to violate Plaintiff Kaul's fundamental human rights.

56. I admit that in 2005 I knew I was prohibited from violating Plaintiff Kaul's fundamental human rights.

57. I admit that in 2005 I knew it was illegal to conspire to violate Plaintiff Kaul's fundamental human rights.

58. I admit that in 2005 I knew it was illegal to violate Plaintiff Kaul's fundamental human rights.

59. I admit that since 2005 I have conspired with **The Kaul Cases** Defendants to knowingly and willfully abuse the power of the American State to purposefully violate Plaintiff Kaul's fundamental human rights.

60. I admit that the knowingness, willfulness, malicious-ness, and purposefulness in my conspiring with **The Kaul Cases** Defendants to violate Plaintiff Kaul's human rights is proven by the below admitted facts about which there is no material dispute.

61. I admit that the knowingness, willfulness, malicious-ness, and purposefulness of the violation of Plaintiff Kaul's human rights by myself and **The Kaul Cases** Defendants, is proven by the below admitted facts about which there is no material dispute.

62. I admit that the knowing, willful, malicious, and purposeful violation of Plaintiff Kaul's human rights is commensurate with the standard of that of a crime against humanity.

Section 1983

2005 - 2010

63. I admit that because of my illegal schemes of public corruption that involved bribing Defendant Christie I became intertwined with, and in possession of state power and became a state actor.

64. I admit that because of my illegal schemes of public corruption that involved bribing members of the state government I became intertwined with, and in possession of state power and became a state actor.

65. I admit that because of my illegal schemes of public corruption that involved bribing members of the federal government I became intertwined with, and in possession of state power and became a state actor.

66. I admit that because of my illegal schemes of public corruption that involved bribing members of the state legislature I became intertwined with, and in possession of state power and became a state actor.

67. I admit that because of my illegal schemes of public corruption that involved bribing members of the state judiciary I became intertwined with, and in possession of state power and became a state actor.

68. I admit that because of my illegal schemes of public corruption that involved bribing members of the federal judiciary I became intertwined with, and in possession of state power and became a state actor.

69. I admit that my illegal schemes of public corruption and conspiring with state officials were perpetrated in a mutually beneficial and symbiotic manner.

70. I admit that my illegal schemes of public corruption and conspiring with state officials were perpetrated in a manner of mutual benefit and joint participation.

71. I admit that my illegal schemes of public corruption and conspiring with state officials were perpetrated in a manner of mutual benefit in which state officials and I used the US wires to exchange commands and words of encouragement in the successful execution of the schemes.

72. I admit that my illegal schemes of public corruption and conspiring with state officials were purposed to and did in fact cause me to illegally acquire the power and function of state, that I used to professionally threaten physicians who refused to support my schemes against Plaintiff Kaul.

73. I admit that my illegal schemes of public corruption and conspiring with state officials were purposed to and did in fact cause me to illegally acquire the power and function of state, that I used to have professionally investigated physicians who refused to support my schemes against Plaintiff Kaul.

74. I admit that my illegal schemes of public corruption and conspiring with state officials were purposed to and did in fact cause me to illegally acquire the power and function of state, that I used to professionally threaten physicians who attempted to expose my schemes.

75. I admit that my illegal schemes of public corruption and conspiring with state officials created a nexus whereby the state's independently motivated scheme to have Plaintiff Kaul illegally eliminated was furthered under private cover of myself, neurosurgical societies, and other non-official persons, by amongst other things, defamation, and derogation of Plaintiff Kaul's right and qualifications to perform minimally invasive spine surgery.

2010 - 2023

76. I admit that I abused the immense power of my 'state actor' status to conspire to violate Kaul's right to due process.

77. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of perjury.

78. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential falsification.

79. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of witness tampering.

80. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of fraud.

81. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential omission.

82. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the New Jersey Board of Medical Examiners to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of judicial-like corruption

83. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of perjury.

84. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential falsification.

85. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of witness tampering.

86. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of fraud.

87. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential omission.

88. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing judges of the New Jersey

Office of Administrative Law to obstruct the course of justice in cases filed against Plaintiff Kaul in administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of judicial corruption.

89. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of perjury.

90. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential falsification.

91. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of witness tampering.

92. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of fraud.

93. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential omission.

94. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the Office of the New Jersey Attorney General to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of judicial-like and judicial corruption.

95. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in

state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of perjury.

96. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential falsification.

97. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of witness tampering.

98. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of fraud.

99. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential omission.

100. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of Defendant Christie's administration to obstruct the course of justice in cases filed against Plaintiff Kaul in state boards and administrative courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of judicial-like and judicial corruption.

101. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of perjury.

102. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts

within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential falsification.

103. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of witness tampering.

104. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of fraud.

105. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of evidential omission.

106. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by participating with, facilitating and or directing members of the state judiciary to obstruct the course of justice in cases filed against Plaintiff Kaul in state courts within the geographic boundaries of New Jersey by committing and or facilitating the commission of schemes of judicial corruption.

107. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the state judiciary to dismiss all cases filed by Plaintiff Kaul in state courts within the geographic boundaries of the state of New Jersey by committing and or facilitating the commission of schemes of obstruction of justice.

108. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the state judiciary to dismiss all cases filed by Plaintiff Kaul in state courts within the geographic boundaries of the state of New Jersey by committing and or facilitating the commission of schemes of public corruption.

109. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the state government to coerce state judges to dismiss all cases filed by Plaintiff Kaul in state courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of obstruction of justice.

110. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the state government to coerce state judges to dismiss all cases filed by Plaintiff Kaul in state courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of public corruption.

111. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the federal judiciary to dismiss all cases filed by Plaintiff Kaul in federal courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of obstruction of justice.

112. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the federal judiciary to dismiss all cases filed by Plaintiff Kaul in federal courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of public corruption.

113. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the federal government to coerce federal judges to dismiss all cases filed by Plaintiff Kaul in federal courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of obstruction of justice.

114. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process by bribing and or otherwise corrupting members of the federal government to coerce federal judges to dismiss all cases filed by Plaintiff Kaul in federal courts within the geographic boundaries of the United States by committing and or facilitating the commission of schemes of public corruption.

115. I admit that I abused the immense power of my 'state actor' status to violate Plaintiff Kaul's right to due process and his property by conspiring with **The Kaul Cases** Defendants to illegally deprive Plaintiff Kaul of the property of his accounts receivable and other assets in the Chapter 11 proceedings in the bankruptcy court within the geographic boundaries of New Jersey by committing and or facilitating the commission of a scheme of bankruptcy fraud.

116. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his economic standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

117. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his reputation by obstructing, through

schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

118. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his livelihood by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

119. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his liberty by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

120. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his life by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

121. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his professional standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

122. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his social standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

123. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his psychological standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

124. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his physical standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

125. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate Plaintiff Kaul's right to regain his financial standing by obstructing, through schemes of judicial and public corruption, his due process right to litigate **The Kaul Cases** through discovery.

126. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his economic standing by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

127. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his economic standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

128. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his reputation by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

129. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his reputation by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

130. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his livelihood by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

131. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his livelihood by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

132. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his liberty by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

133. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to

regain his liberty by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

134. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his life by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

135. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his life by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

136. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his professional standing by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

137. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his professional standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

138. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his social standing by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

139. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his social standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

140. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his psychological standing by obstructing, through schemes of public and private

corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

141. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his psychological standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

142. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his physical standing by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

143. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his physical standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

144. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his financial standing by obstructing, through schemes of public and private corruption, the return of the property of his New Jersey license, the illegal seizure of which continues to cause deprivation of his liberty.

145. I admit that I abused and continue to abuse the immense power of my 'state actor' status to continue to violate, in conspiracy with **The Kaul Cases** Defendants, Plaintiff Kaul's right to regain his financial standing by obstructing, through schemes of public and private corruption, his efforts to restore his liberty through the procurement of a license anywhere in the world, including India, his country of citizenship.

146. I admit that from 2005 to 2016 the purpose of my willful, knowing, and ongoing abuse of my immense 'state actor' power was to perpetrate a scheme to violate Plaintiff Kaul's human and constitutional rights that involved, amongst other things, an ostracization of Plaintiff Kaul, a destruction of his economic standing, reputation and livelihood, the resultant deprivations of which caused and continue to cause conditions of homelessness, poverty and unemployment to him and his family.

147. I admit that from 2016 to 2023, and as a consequence of Plaintiff Kaul's prosecution of **The Kaul Cases**, I and others schemed and continue to scheme, in the violation of Plaintiff Kaul's right to due process in the United States District Court through the willful, knowing, and ongoing abuse of the immense power of our 'state actor' status, the scheme's purpose being an

attempt to prevent Plaintiff Kaul from exposing crimes committed by myself and those of **The Kaul Cases** Defendants in a period from at least 2005 to the present.

148. I admit that I used the US wires in a knowingly illegal manner to perpetrate schemes in which I conspired with **The Kaul Cases** Defendants to abuse the immense power of my 'state actor' status to violate Plaintiff Kaul's human and constitutional rights and cause and to continue to cause injury to his economic standing/reputation/livelihood/liberty/life/professional standing/social standing/psychological standing/physical standing/financial standing,

149. I admit that the schemes of knowing human and constitutional rights violations involved the illegal transmission across the US wires of hundreds of emails and telephone calls between myself, **The Kaul Cases** Defendants, and members of the Office of the New Jersey Attorney General.

150. I admit that the schemes of knowing human and constitutional rights violations involved the illegal transmission across the US wires of hundreds of emails and telephone calls between myself, **The Kaul Cases** Defendants, and members of the Office of the Office of the New Jersey Governor.

151. I admit that the schemes of knowing human and constitutional rights violations involved the illegal transmission across the US wires of hundreds of emails and telephone calls between myself, **The Kaul Cases** Defendants, and members of the New Jersey Office of Administrative Law.

152. I admit that the schemes of knowing human and constitutional rights violations involved the illegal transmission across the US wires of hundreds of emails and telephone calls between myself, **The Kaul Cases** Defendants, and members of the New Jersey Board of Medical Examiners.

RICO:

Overall Claim Admission

153. I admit to the fact that the below facts are undisputed, admitted and prove all elements of all claims asserted against me by Plaintiff Kaul.

154. I do not refute/contest/rebut/deny the evidence contained within the following documents: **(i)** The Waldman E-mail; **(ii)** The Zerbini Certification; **(iii)** The Sabo Certification; **(iv)** The Solomon Critique; **(v)** The Solomon Critique; **(vi)** The Calabrese Certification; **(vii)** The Przybylski Disciplinary Notice; **(viii)** The Feldman Certification; **(ix)** The Yeung E-mail; **(x)** The Union County Court proceedings; **(xi)** The Ciarrocca Complaint; **(xii)** The Federal Trade Commission Guidelines.

155. I admit that the evidence referenced in point **2.** is further proof of the undisputed-ness of the facts asserted in the Complaint.

Element Specific Admissions

Culpable Person Who Willfully Or Knowingly

156. I admit culpability for having willfully and knowingly engaged with other defendants in a pattern of racketeering, in a period that commenced in approximately 2006, in the State of New Jersey, and continued into 2022 in the United States District Court for the Southern District of New York.

157. I admit that I engaged in a pattern of racketeering with other defendants in a period that commenced in approximately 2006, continued into 2019 and occurred in multiple locations in the US, and across the US mail and wires.

158. I admit that I willfully and knowingly violated the law, when I engaged in a pattern of racketeering with other defendants, in which I abused the authority of state agencies and power by committing and or facilitating bribery, fraud, kickbacks, extortion, perjury, evidential falsification and witness tampering.

159. I admit that I knew the purpose of having engaged in a pattern of racketeering was to destroy the economic standing, reputation, and livelihood of Plaintiff Kaul.

Commits Or Conspires To The Commission Of "Racketeering Activity"

160. I admit that in a period from 2006 to 2022, I conspired with other defendants in the commission of racketeering activity by using email, telephone and in person meetings to organize a knowingly illegal scheme that abused the authority of state agencies and power to have illegally revoked Kaul's New Jersey medical license, to illegally destroy Plaintiff Kaul's

economic standing, reputation, and livelihood and to obstruct justice and facilitate the commission of a 'Fraud on the Court' in the United States District Court by bribing or aiding and abetting a scheme of bribery of a federal judge in Kaul v ICE: 21-CV-06992, to have the case illegally dismissed with prejudice.

Through A Pattern

161. I admit that in a period from 2006 to 2022 I engaged in an ongoing pattern of corruption of administrative, state, and federal courts within the geographic boundaries of the United States, the purpose of which was to deprive Plaintiff Kaul of any access to substantive justice, illegally deprive him of his medical license, his property, his livelihood, his reputation, his material assets, his access to banking services and to have him jailed, deported and or killed.

162. I admit that in a period from 2006 to 2019, I did in concert and conspiracy with other defendants, knowingly, willfully, and illegally convert administrative, state, and federal courts within the geographic boundaries of New Jersey into racketeering enterprises, to further the scheme to destroy the economic standing, reputation, and livelihood of Plaintiff Kaul.

An Effect On Interstate Or Foreign Commerce

163. I admit that I and other defendants knew that the license revocation and destruction of the economic standing, reputation and livelihood of Plaintiff Kaul would prevent him from working anywhere in the world in any capacity, a trade restriction that would have a detrimental effect on interstate and or foreign commerce, and reduce federal tax revenues.

164. I admit that after the widely publicized revocation of Plaintiff Kaul's license on March 12, 2014, I participated with other defendants in hundreds of email, telephone and in person communications, in which we celebrated the destruction of Kaul's livelihood, economic standing, reputation and inability to find employment.

165. I admit that after the revocation of Plaintiff Kaul's license on March 12, 2014, I participated with other defendants in hundreds of email, telephone and in person communications, in which we predicted and celebrated the imminent descent of Kaul and his family into poverty.

Purpose

166. I admit that commencing in approximately 2006, I in concert and conspiracy with other defendants have engaged in schemes of bribery, fraud, evidential tampering, witness tampering, public corruption and kickbacks conducted through and facilitated by state actors, agencies, and administrative, state, and federal courts within the geographic boundaries of the United States.

167. I admit that I knew that the purpose of the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption and kickbacks was to destroy the economic standing, reputation, and livelihood of Plaintiff Kaul,

168. I admit that I knew the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption and kickbacks were illegal.

2005 – 2010

169. I admit that in or around mid-2005, I came to know, and it became widely known within the spine community that Plaintiff Kaul had invented and successfully performed the first outpatient minimally invasive spinal fusion.

RICO Predicate Act Of Bribery

170. I admit that in approximately 2005, after Plaintiff Kaul invented and performed the first minimally invasive outpatient spinal fusion, I and others in the American neurosurgical and orthopedic communities concluded his expertise in outpatient minimally invasive spine surgery presented a substantial and expanding threat to our hospital-based spine business.

171. I admit that commencing in approximately 2005/2006 I conspired with certain senior members of the American neuro-ortho surgical community to commence perpetrating a scheme of bribery with, amongst others, the then New Jersey Governor, Christopher J. Christie.

172. I admit that I used my position of power within the political wing of the American neurosurgical community to knowingly deceive its members into participating in the scheme of bribery that involved funneling money to the then New Jersey Governor, Christopher J. Christie.

173. I admit that I knew that in the conception and perpetration of the scheme of bribery I would violate and did in fact violate the law.

174. I admit that I knew that in the conception and perpetration of the scheme of bribery I would deprive and did in fact deprive Plaintiff Kaul of his human and constitutional rights.

175. I admit that I knew that in the conception and perpetration of the scheme of bribery I would illegally coopt and did in fact illegally coopt the power of state.

176. I admit that I knew that through the coopting of the power of state I would become and did in fact became a 'state actor'

177. I admit that I knew that with the power of the state and as a 'state actor' I would deprive and did in fact deprive Plaintiff Kaul of his human and constitutional rights.

178. I admit that I knew that with the power of the state and as a 'state actor' it was my intention to deprive Plaintiff Kaul of his human and constitutional rights.

179. I admit that I knew that my deprivation of Plaintiff Kaul's human and constitutional rights was intended to ensure the cessation of his existence.

180. I admit that I knew that my intention to cause the cessation of Plaintiff Kaul's existence was based on my effort to ensure he did not expose the scheme of bribery.

181. I admit that I knew of the immense criminal consequences to me and others if Plaintiff Kaul exposed our scheme of bribery.

182. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to destroy Plaintiff Kaul's livelihood.

183. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to destroy Plaintiff Kaul' economic standing,

184. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to destroy Plaintiff Kaul' reputation.

185. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to have Plaintiff Kaul incarcerated.

186. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to force Plaintiff Kaul's family into a state of poverty.

187. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to alienate Plaintiff Kaul from his children by forcing them into poverty.

188. I admit that my specific intention in aiding and abetting the perpetration of the scheme of bribery was to cause Plaintiff Kaul to commit suicide.

189. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to Defendant Christie in a quid pro quo exchange for him using his executive and ex-US Attorney political power to have violated Plaintiff Kaul's human and constitutional rights.

190. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to Defendant Christie in exchange for him using his executive and ex-US Attorney political power to have Plaintiff Kaul criminally investigated by state and federal authorities.

191. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in a quid pro quo exchange promised to use, and did use the power of state to have Plaintiff Kaul's license illegally revoked.

192. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in a quid pro quo exchange promised to use, and did use the power of state to have conducted grand jury proceedings against Plaintiff Kaul.

193. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in a quid pro quo exchange promised to use, and did use the power of state to conduct grand jury proceedings to attempt to have Plaintiff Kaul indicted and incarcerated.

194. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in a quid pro quo exchange promised to coerce, and did coerce the power of the FBI and the US Attorney's Office to commence a criminal investigation against Kaul.

195. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in a quid pro quo exchange promised to use, and did use his ex-US Attorney political power to cause to commence a federal criminal investigation against Kaul.

196. I admit that the scheme of bribery in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use his executive power to cause state investigators and prosecutors to commence state criminal investigations against Kaul.

197. I admit that the bribe monies were funneled to Defendant Christie through law firms, political lobbyists, and public relation firms with which he was politically and or commercially connected in any manner.

198. I admit that I knew the purpose of funneling the bribe monies through law firms, political lobbyists, and public relation firms, was to attempt to conceal the true quid pro quo bribery nature of the monies.

199. I admit that I knew and know that the true quid pro quo bribery nature of the monies rendered my transactions illegal.

200. I admit that I knew and know that I did not inform my bank of the true quid pro quo bribery nature of the transacted monies.

201. I admit that I knew and know that my transferring of the quid pro quo bribery monies constitutes bank fraud.

202. I admit that I knew and know that my commission of bank fraud constitutes a crime.

203. I admit that I knew and know that my commission of bank fraud involved the commission of wire fraud.

204. I admit that I knew and know that the purpose of attempting to conceal the true bribery nature of the monies was my concern that my crimes would be exposed.

205. I admit that I knew and know that the purpose of the concealment of my quid pro quo bribery crimes would have been to falsely claim that the bribe monies paid to law firms, political lobbyists, and public relation firms with which Defendant Christie was politically and or commercially connected in any manner, was for professional legal, lobbying and or public relation services.

206. I admit that I knew and know that such a claim would have been false.

207. I admit that I know that I cannot raise such a professional services defense in either this case and or any other civil and or criminal case that might ever be filed against me.

208. I admit that I knew and know that my lawyers advised me as to the scheme of concealment.

209. I admit that in the period from 2005/2006 to 2022, the scheme of bribery expanded to involve an increasing number of persons conducting business within the private and public sectors.

210. I admit that these persons include state and federal investigators.

211. I admit that these persons include state and federal prosecutors.

212. I admit that these persons include state and federal judges.

213. I admit that these persons include personal injury lawyers.

214. I admit that these persons include physicians who competed against Plaintiff Kaul in the minimally invasive spine surgery market.

215. I admit that these persons/entities included journalists/media organizations who have commercial relationships with **The Kaul Cases** Defendants and or within referenced Third Parties.

216. I admit that these persons include Plaintiff Kaul's ex-patients, whom I and others conspired with the file lawsuits and complaints with the medical board.

217. I admit that these persons include Plaintiff Kaul's ex-physician employees, whom I and others conspired with to provide false legal testimony against Plaintiff Kaul.

218. I admit that these persons include Plaintiff Kaul's ex-nursing employees, whom I and others conspired with to provide false legal testimony against Plaintiff Kaul.

RICO Predicate Act Of Fraud

219. I admit that as a consequence of Plaintiff Kaul having invented and successfully performed the first outpatient minimally invasive spinal fusion, I, along with other spine physicians, commenced conspiring to perpetrate a scheme of fraud, in order to attempt to obstruct Plaintiff Kaul's practice of minimally invasive spine surgery.

220. I admit that the purpose of the scheme of fraud was to obstruct and destroy Plaintiff Kaul's minimally invasive spine surgery practice.

221. I admit that another purpose of the scheme of fraud was to intimidate other physicians, similarly, trained as Plaintiff Kaul, from performing minimally invasive spine surgery.

222. I admit that the scheme of fraud in which I knowingly engaged, involved the public dissemination, and or the aiding and abetting of public dissemination, of the knowing falsehood that Plaintiff Kaul was not qualified/licensed/credentialed to perform minimally invasive spine surgery.

223. I admit that in the perpetration of the scheme of fraud I knew that Kaul was in fact legally qualified, credentialed and licensed to perform surgery, including minimally invasive spine surgery.

224. I admit that in the perpetration of the scheme of fraud I conspired with Drs. Andrew Kaufman and Gregory Przybylski in the subornation of perjury in the legal proceedings that caused the revocation of Plaintiff Kaul's license, in which they testified, with knowing falsity, that Plaintiff Kaul was not qualified to perform minimally invasive spine surgery, and had grossly deviated from a standard of care.

225. I admit that the scheme of fraud in which I knowingly engaged, involved the dissemination, and or the aiding and abetting of dissemination into courts of law of the knowingly falsehood that Plaintiff Kaul was not qualified/licensed/credentialed to perform minimally invasive spine surgery.

a. Public Obstruction

226. I admit that the perpetration of the scheme of fraud involved encouraging and coopting Plaintiff Kaul's patients to sue him by telling them, with knowing falsity, that Plaintiff Kaul had not been qualified/credentialed/licensed/trained to perform minimally invasive spine surgery on them.

227. I admit that the perpetration of the scheme of fraud involved encouraging and coopting Plaintiff Kaul's patients to file medical board complaints against him by telling them, with knowing falsity, that Plaintiff Kaul had not been qualified/credentialed/licensed/trained to perform minimally invasive spine surgery on them.

b. Legal Profession Obstruction

228. I admit that the perpetration of the scheme of fraud involved encouraging and coopting lawyers to file malpractice suits on behalf of Plaintiff Kaul's patients referred to them by me, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

229. I admit that the perpetration of the scheme of fraud involved encouraging and coopting personal injury lawyers to stop referring their injured clients to Plaintiff Kaul, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

c. Healthcare Profession Obstruction

230. I admit that the perpetration of the scheme of fraud involved encouraging and coopting other physicians to not refer patients to Plaintiff Kaul by telling them, with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

231. I admit that the perpetration of the scheme of fraud involved encouraging and coopting surgical centers and hospitals to not provide Plaintiff Kaul hospital privileges by telling credentialing committee physicians, with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

232. I admit that the perpetration of the scheme of fraud involved encouraging and coopting other physicians to file medical board complaints against Plaintiff Kaul by telling the medical board, with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery on them.

233. I admit that the perpetration of the scheme of fraud involved encouraging and coopting medical device representatives to not provide Plaintiff Kaul the necessary minimally invasive spine surgery devices, by telling them, with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

234. I admit that the perpetration of the scheme of fraud involved threatening medical device representatives that if they provided Plaintiff Kaul with the necessary minimally invasive spine surgery devices, I would use my immense political power to coerce other neurosurgeons to stop using their devices.

d. Insurance Industry Obstruction

235. I admit that the perpetration of the scheme of fraud involved conspiring with the insurance industry to illegally deny professional reimbursement to Plaintiff Kaul,

236. I admit that the fraudulent scheme of theft of services was perpetrated with physicians employed by the insurance industry, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

237. I admit that the purpose of the fraudulent scheme of theft of services, was an attempt to exhaust Plaintiff Kaul's business resources.

238. I admit that I knew that the purpose of the fraudulent scheme of theft of services was an attempt to cause a liquidation of Plaintiff Kaul's business by causing a cessation of revenue.

239. I admit that in the perpetration of the fraudulent scheme of theft of services, I conspired with physicians and persons associated with the insurance industry to have illegally diverted to me monies that should have been paid to Plaintiff Kaul.

240. I admit that I believed that the fraudulent scheme of theft of services would cause immense financial hardship to Plaintiff Kaul.

241. I admit that I believed this immense financial hardship would illegally force Plaintiff Kaul out of the minimally invasive spine surgery market.

242. I admit that I believed that if I caused this immense financial hardship to Plaintiff Kaul, he would be forced to engage in unlawful conduct.

243. I admit that I intended for this immense financial hardship to cause Plaintiff Kaul to engage in unlawful conduct.

244. I admit that I intended to have the imagined unlawful conduct cause Plaintiff Kaul to be jailed.

e. Political Body Obstruction

245. I admit that in or around 2007, I and other members of the neurosurgical and orthopedic spine community, recognized that the tactics of our scheme of fraud had failed to eliminate Plaintiff Kaul from the minimally invasive spine surgery market.

246. I admit that in recognizing the failure of our scheme of fraud and its tactics of interfering in Plaintiff Kaul's minimally invasive spine surgery business, I, as a political leader within the neurosurgical community, decided to bribe Defendant Christopher J. Christie to have him use his executive power to order the medical board to revoke Plaintiff Kaul's medical license.

247. I admit that I and **The Kaul Cases** Defendants knew and know that the Plaintiff Kaul elimination scheme was directly tied to the coopting and capture of the political body and its members.

248. I admit that I and **The Kaul Cases** Defendants knew and know and that there was a direct connection between the coopting and capture of the political body and its members and Plaintiff Kaul's ability to expose my crimes and those of **The Kaul Cases** Defendants.

249. I admit that Plaintiff Kaul's exposition of my crimes and those of **The Kaul Cases** Defendants, despite the coopting and capture of the political body and its members, evidences the fact that I and **The Kaul Cases** Defendants committed with a long-standing sense of privileged impunity, a massive amount of felonious conduct over almost two (2) decades.

250. I admit that Defendant Christie was the US Attorney for the District of New Jersey from 2000 to 2008.

251. I admit that Defendant Christie was the Governor for the State of New Jersey from 2009 to 2017.

252. I admit that between 2012 to 2016 Defendant Christie campaigned in pursuit of the Republication nomination for the 2016 Presidential Campaign.

253. I admit that between 2016 to 2020, Defendant Christie closely collaborated with President Trump in the nomination of federal judges within the United States Court of Appeals for the Third Circuit.

254. I admit that between 2016 to 2020, Defendant Christie closely collaborated with President Trump in the nomination of persons to federal agencies.

255. I admit that commencing in approximately 2005, Defendant Christie began seeking financial support for his 2009 political campaign for the governor's office.

256. I admit that I knew the failure of the tactics of our scheme of using the US wires to transmit knowingly fraudulent information to members of the public, the legal profession, the healthcare profession, and the insurance industry, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery, left me, as the leader of the neurosurgical community, with no option but to bribe Defendant Christie.

257. I admit that I, as a political leader within the immensely powerful and wealthy neurosurgical community, and its Political Activation Committee, did commence a dialogue with Defendant Christie.

258. I admit that a principal purpose of the dialogue pertained to the delineation of the quid pro quo scheme between myself, the neurosurgical society members, and Defendant Christie.

259. I admit that during the dialogues we discussed the exact nature of the quid pro quo deal in terms of when and what monetary and non-monetary bribes would be exchanged for what elements of the scheme to eliminate Plaintiff Kaul.

260. I admit that the dialogue surrounding the quid pro quo deal was akin to discussions surrounding the enactment of terms of a contract.

261. I admit that I knew and know the purpose and substance of the dialogue and the enactment of the terms were illegal elements of an overall criminal scheme that involved the commission of a course of an ongoing pattern of knowingly felonious conduct.

262. I admit that the principal purpose of the quid pro quo purposed dialogue pertained to the scheme to eliminate Plaintiff Kaul.

263. I admit that the dialogues were conducted using both digital and non-digital modes of communication.

264. I admit that the communications involved many individuals associated with the political, legal, medical, healthcare business and media worlds.

265. I admit that a principal part of the dialogue involved detailing the methods of how I and **The Kaul Cases** Defendants would achieve our objectives to eliminate Plaintiff Kaul.

266. I admit that in the dialogue we described the exact method of how we would eliminate Plaintiff Kaul.

267. I admit that the exact method involved using the coercive power of all branches of the State of New Jersey, the media, the political body, the insurance industry, the legal community, the medical community, and the public to attack and undermine Plaintiff Kaul's economic standing/reputation/livelihood/liberty/life/professional standing/social standing/psychological standing/physical standing/financial standing.

268. I admit that I conspired with, amongst others, Drs. Andrew Kaufman, Gregory Przybylski and Peter Carmel, to fraudulently coopt our medical societies and their members into directing their monies into the gubernatorial and presidential political campaigns of Defendant Christie.

269. I admit that I knew it was critical to my scheme of fraud, that I concealed from the members of our medical societies that their monies were in fact bribes, the true purpose of which was to fund a knowingly illegal quid pro quo scheme with Defendant Christie, purposed to illegally revoke Plaintiff Kaul's license.

270. I admit that in a period between 2005 and 2010 I, along with several other politically active neurosurgeons and orthopedic spine surgeons, met on several occasions with Defendant Christie.

271. I admit that that the purpose of these meetings was to discuss the perpetration of the scheme to revoke Plaintiff Kaul's license.

272. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he had received the bribes.

273. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to initiate legal proceedings to revoke Plaintiff Kaul's license.

274. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to order the medical board to suspend and then revoke Plaintiff Kaul's license.

275. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to instruct the New Jersey state bar to order it's members to refuse to support Plaintiff Kaul.

276. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to instruct the New Jersey medical community to refuse to support Plaintiff Kaul.

277. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to instruct the New Jersey plaintiffs' bar to file lawsuits against Plaintiff Kaul.

278. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to instruct the New Jersey judicial community to dismiss any cases filed by Plaintiff Kaul.

279. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to instruct the New Jersey media community to publish highly defamatory articles about Plaintiff Kaul.

280. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to order **The Kaul Cases** Defendant, and New Jersey Administrative Law Judge, Jay Howard Solomon, to recommend revocation of Plaintiff Kaul's license.

281. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to order **The Kaul Cases** Defendant, and New Jersey Administrative Law Judge, Jay Howard Solomon, to recommend revocation of Plaintiff Kaul's license regardless of the evidence presented by Plaintiff Kaul.

282. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to order **The Kaul Cases** Defendant, and New Jersey Administrative Law Judge, Jay Howard Solomon, to falsify his opinion if necessary to ensure the revocation of Plaintiff Kaul's license regardless of the evidence presented by Plaintiff Kaul.

283. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to use the US wires to disseminate to the New Jersey media community copies of legal documents that perpetrated the knowing fraud that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

284. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to use the US wires to disseminate to the New Jersey legal community copies of legal documents that perpetrated the knowing fraud that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

285. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to use the US wires to disseminate to the New Jersey judicial community copies of legal documents that perpetrated the knowing fraud that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

286. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to use the US wires to disseminate to the New Jersey insurance community copies of legal documents that perpetrated the knowing fraud that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

287. I admit that during these meetings I had several conversations with Defendant Christie, in which he confirmed that he would order, and did in fact order his attorney general to use the US wires to disseminate to the New Jersey medical community copies of legal documents that perpetrated the knowing fraud that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

288. I admit that during these meetings I had several conversations with Defendant Christie, in which I confirmed that I had persuaded **The Kaul Cases** Defendants, Drs. Andrew Kaufman and Gregory Przybylski, to testify, albeit with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

289. I admit that during these meetings I had several conversations with Defendant Christie, in which I confirmed that once Plaintiff Kaul's license was revoked, I would use my political power

within the neurosurgical societies to have its members support Defendant Christie's 2016 presidential campaign.

290. I admit that in late 2009, I was informed by persons associated with Defendant Christie that a preliminary evaluation committee of the New Jersey medical board had ordered Plaintiff Kaul to appear before them on February 3, 2010.

291. I admit that I knew the February 3, 2010, hearing was the first procedural step in a series of legal proceedings, in which the outcome of the illegal revocation of Plaintiff Kaul's license was a foregone conclusion.

292. I admit that I knew, based on my conversations with Defendant Christie, that one purpose of legal proceedings was to provide the public an appearance of justice.

293. I admit that I knew, based on my conversations with Defendant Christie, that one purpose of the highly publicized legal proceedings was to destroy Plaintiff Kaul's reputation.

294. I admit that I knew, based on my conversations with Defendant Christie, that one purpose of the highly publicized legal proceedings was to fabricate a legal record to justify the crime against Plaintiff Kaul.

295. I admit that I knew, based on my conversations with Defendant Christie, that one purpose of a state fabricated legal record, other than justifying the crime, would be to submit it as a defense if Plaintiff Kaul exposed the crimes and filed suit.

296. I admit that I knew, based on my conversations with Defendant Christie, that if I or any of **The Kaul Cases** Defendants used the state fabricated legal record as a defense, it was expected that nobody would believe Plaintiff Kaul because of his prior history in the UK.

297. I admit that I knew, based on my conversations with Defendant Christie, that if I or any of **The Kaul Cases** Defendants used the state fabricated legal record as a defense, it was expected that nobody would believe Plaintiff Kaul because of his prior history in New Jersey.

298. I admit that I knew, based on my conversations with Defendant Christie, that if I or any of **The Kaul Cases** Defendants used the state fabricated legal record as a defense, it was expected that nobody, including judges, would believe Plaintiff Kaul because by the time his license was revoked, myself and **The Kaul Cases** Defendants would have destroyed his reputation.

299. I admit that I knew, based on my conversations with Defendant Christie, that if I or any of **The Kaul Cases** Defendants used the state fabricated legal record as a defense, it was expected that nobody, including judges, would believe Plaintiff Kaul's claims.

300. I admit that I knew, based on my conversations with Defendant Christie, that even if anybody believed Plaintiff Kaul, by the time he exposed the crimes of myself and **The Kaul**

Cases Defendants, he would be bankrupted, unable to retain a lawyer and thus unable to prosecute a claim.

301. I admit that I knew, based on my own long-standing pattern of public corruption and on my conversations with Defendant Christie, that even if Plaintiff Kaul acquired sufficient legal knowledge to file his own claim, it would be dismissed because I and others would bribe the judges.

302. I admit that based on my experience of my long-standing pattern of public corruption and on my conversations with Defendant Christie and certain members of **The Kaul Cases** Defendants, I was convinced that my crimes would destroy Plaintiff Kaul's economic standing, reputation, livelihood, reputation, and life and illegally deprive him of his liberty.

303. I admit that based on my experience of my long-standing pattern of public corruption and on my conversations with Defendant Christie and certain members of **The Kaul Cases** Defendants, I was convinced in 2010 that Plaintiff Kaul would never expose my crimes.

304. I admit that in the period from 2005 to 2010 I was successful in corrupting and manipulating persons and agencies of the State of New Jersey into the commission of a criminal course of conduct that caused and involved the commencement on February 3, 2010, of the first procedural legal step in the illegal revocation of Plaintiff Kaul's license.

305. I admit that based on my conviction that my crimes would go un-exposed, I did with a sense of impunity, perpetrate, aid, and abet and collaborate in the willful and knowing commission of a scheme of felonious conduct that commenced in or around 2005 in the State of New Jersey and extended through 2010 into 2023, as do its permanent consequences, in, amongst others, the district courts of the United States District Court, American state/federal governments, the Courts of India, and the internet.

2010 – 2016

RICO Predicate Act Of Fraud

a. Public Obstruction

306. I admit that after Plaintiff Kaul's interrogation by a preliminary evaluation committee of the New Jersey medical board on February 3, 2010, I became further emboldened in the scheme of fraud.

307. I admit that in becoming further emboldened in the scheme of fraud, my efforts to alienate Plaintiff Kaul from the public became amplified.

308. I admit these amplified efforts of fraud included recruiting other physicians and surgeons to encourage and coopt any of Plaintiff Kaul's patients to whom they had ever provided care, to sue him by telling them, albeit with knowing falsity, that Plaintiff Kaul had not been qualified/credentialed/licensed/trained to perform minimally invasive spine surgery on them.

309. I admit these amplified efforts of fraud included recruiting other physicians and surgeons to encourage and coopt any of Plaintiff Kaul's patients to whom they had ever provided care, to file medical board complaints against him by telling his patients, albeit with knowing falsity, that Plaintiff Kaul had not been qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

310. I admit these amplified efforts of fraud included using the US wires, and encouraging others to use the US wires, to coopt the public into becoming a 'mob' that attacked Plaintiff Kaul online with highly defamatory posts and publications.

311. I admit I believed that by having this 'mob' attack Plaintiff Kaul online and in the court of public opinion, he would be deterred from fighting the publicly conducted legal proceedings.

312. I admit I believed that by having this 'mob' attack Plaintiff Kaul online and in the court of public opinion, he would be deprived in the board and administrative proceedings of any testimonial support from his patients.

313. I admit I believed that the 'mob' induced deprivation of public and patient support would cause Plaintiff Kaul to become socially ostracized and completely isolated.

314. I admit the purpose of ostracizing and isolating Plaintiff Kaul was to render him financially unable to fight the case in the courts of law and public opinion.

315. I admit the purpose of ostracizing and isolating Plaintiff Kaul was to render him psychologically unable to fight the case in the courts of law and public opinion.

316. I admit the purpose of ostracizing and isolating Plaintiff Kaul was to render him socially unable to fight the case in the courts of law and public opinion.

317. I admit the purpose of ostracizing and isolating Plaintiff Kaul was to render him physically unable to fight the case in the courts of law and public opinion.

318. I admit that a purpose of attempting to render Plaintiff Kaul unable to fight, was to attempt to ensure he did not expose my crimes of those of **The Kaul Cases** Defendants.

319. I admit that a purpose of attempting to ensure Plaintiff Kaul did not expose my crimes and those of **The Kaul Cases** Defendants, was my recognition that such an exposure would evidence the illegality of the events preceding the revocation proceedings.

320. I admit that a purpose of attempting to ensure Plaintiff Kaul did not expose my crimes and those of **The Kaul Cases** Defendants, was my recognition that such an exposure would evidence the illegality of the revocation proceedings.

321. I admit that a purpose of attempting to ensure Plaintiff Kaul did not expose my crimes and those of **The Kaul Cases** Defendants, was my recognition that such an exposure would evidence the illegality of the revocation itself.

322. I admit that that a purpose of attempting to ensure Plaintiff Kaul did not expose my crimes and those of **The Kaul Cases** Defendants, was my recognition that such an exposure would subject me to criminal indictment.

323. I admit that I, in conspiracy with **The Kaul Cases** Defendants, and other third media related parties, did use the US wires to publish over twenty-two (22) highly defamatory and knowingly false stories about Plaintiff Kaul.

324. I admit that I knew the purpose of these highly defamatory stories was to ostracize Plaintiff Kaul.

325. I admit that I knew the purpose of these highly defamatory stories was to socially isolate Plaintiff Kaul.

326. I admit that I knew the purpose of these highly defamatory stories was to render Plaintiff Kaul financially unable to fight the case in the courts of law and public opinion.

327. I admit that I knew the purpose of these highly defamatory stories was to render Plaintiff Kaul psychologically unable to fight the case in the courts of law and public opinion.

328. I admit that I knew the purpose of these highly defamatory stories was to render Plaintiff Kaul physically unable to fight the case in the courts of law and public opinion.

329. I admit that I knew the purpose of these highly defamatory stories was to render Plaintiff Kaul socially unable to fight the case in the courts of law and public opinion.

330. I admit that I knew the purpose of these highly defamatory stories was to attempt to 'break the spirit' of Plaintiff Kaul.

331. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the professional re-emergence of Plaintiff Kaul.

332. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the financial re-emergence of Plaintiff Kaul.

333. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the reputational re-emergence of Plaintiff Kaul.

334. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the psychological re-emergence of Plaintiff Kaul.

335. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the social re-emergence of Plaintiff Kaul.

336. I admit that I knew the purpose of these highly defamatory stories was to attempt to prevent the physical re-emergence of Plaintiff Kaul.

337. I admit that I knew and know that the professional re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

338. I admit that I knew and know that the financial re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

339. I admit that I knew and know that the psychological re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

340. I admit that I knew and know that the social re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

341. I admit that I knew and know that the physical re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

342. I admit that I knew and know that the reputational re-emergence of Plaintiff Kaul would expose, and has exposed my crimes and those of **The Kaul Cases** Defendants.

343. I admit that I knew the purpose of these highly defamatory stories was to attempt to cause an effective cessation of Plaintiff Kaul's existence.

344. I admit that had an effective cessation of Plaintiff Kaul's existence been caused to occur, then my crimes and those of **The Kaul Cases** Defendants would never have been exposed, as they are now.

345. I admit that I knew the purpose of these highly defamatory stories was to attempt to have Plaintiff Kaul commit suicide.

346. I admit that had Plaintiff Kaul been caused to commit suicide, then my crimes and those of **The Kaul Cases** Defendants would never have been exposed, as they are now.

b. Legal Profession Obstruction

347. I admit, as detailed in the below admitted facts, a direct connection between Plaintiff Kaul's ability to retain counsel in 2013 to litigate the illegal revocation proceedings and the exposing in 2023 of my involvement in a criminally minded and criminal scheme that commenced in 2005 and expanded to involve **The Kaul Cases** Defendants and others.

348. I admit that in recognizing the direct connection between Plaintiff Kaul's litigation purposed retention of counsel and the exposing of my crimes, I did conspire with **The Kaul Cases** Defendants to attempt to sabotage the relationship between Plaintiff Kaul and his counsel.

349. I admit that I and members of **The Kaul Cases** Defendants perpetrated a fraud on members of the New Jersey State Bar by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

350. I admit that I conspired with other members of **The Kaul Cases** Defendants, including Defendant Christie and members of the Office of the New Jersey Attorney General, to instruct members of the New Jersey State Bar to not provide legal representation to Plaintiff Kaul.

351. I admit that I used my political power within the neurosurgical societies to coerce its members to refuse to provide expert opinions to members of the state bar, if any members of its members provided legal representation and or advice to Plaintiff Kaul.

352. I admit that I knew the purpose of my fraudulent scheme on members of the New Jersey State Bar was to render Plaintiff Kaul unable to find legal representation to fight the revocation proceedings in the courts of law.

353. I admit that I knew that without legal representation, Plaintiff Kaul would not have been able to contest the revocation proceedings.

354. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his economic standing would deprive him of funds, and prevent the payment of legal fees.

355. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his reputation would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of legal fees.

356. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his physician livelihood would deprive him of his ability to earn a wage, and prevent the payment of legal fees.

357. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his liberty would deprive him of his ability to earn any wage-paying job, and prevent the payment of legal fees.

358. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his life would deprive him of his ability to earn any wage-paying job, and prevent the payment of legal fees.

359. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his professional standing would deprive him of his ability to earn any wage-paying job, and prevent the payment of legal fees.

360. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his social standing would deprive him of his ability to earn any wage-paying job, and prevent the payment of legal fees.

361. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his social standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of legal fees.

362. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his psychological standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of legal fees.

363. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his physical standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of legal fees.

364. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his financial standing would deprive him of funds and prevent the payment of legal fees.

365. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of legal representation by using the US wires to manipulate his counsel with claims that the injury caused by our scheme to his reputational standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of legal fees

366. I admit that I knew that without contesting the revocation proceedings, Plaintiff Kaul would not have been able to create a record of the evidential fraud committed and aided and abetted by myself and **The Kaul Cases** Defendants.

367. I admit that I knew that without the record of evidential fraud, Plaintiff Kaul would never have been able to generate proof of the fraud preceding the revocation proceedings.

368. I admit that I knew that without the record of evidential fraud, that even if Plaintiff Kaul had considered the illegality of the circumstances preceding and involving the revocation, he would never have been able to generate proof of the fraud committed before and during the revocation proceedings.

369. I admit that Plaintiff Kaul's ability to retain counsel to litigate the revocation proceedings caused the generation of evidence that now proves the revocation proceedings were and illegal.

370. I admit that Plaintiff Kaul's ability to retain counsel to litigate the revocation proceedings caused the generation of evidence that now proves the revocation was and is illegal.

371. I admit that without counsel to litigate the revocation proceedings, Plaintiff Kaul's license would have been revoked without the generation of any record of state fraud.

372. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his economic standing.

373. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his economic standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

374. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his reputational standing.

375. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his reputational standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

376. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his livelihood.

377. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his livelihood, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

378. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his liberty.

379. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his liberty, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

380.I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his life.

381. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his life, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

382. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his professional standing.

383. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his professional standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

384. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his social standing.

385. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his social standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

386. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his psychological standing.

387. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his psychological standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

388. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his physical standing.

389. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his physical standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

390. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his financial standing.

391. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his financial standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

392. I admit that without a record of state fraud, Plaintiff Kaul would have been forever deprived of any opportunity for the re-emergence of his reputational standing.

393. I admit that had Plaintiff Kaul been forever deprived of any opportunity for the re-emergence of his reputational standing, he would never have exposed my crimes and those of **The Kaul Cases** Defendants.

394. I admit that I continued the perpetration of the scheme of fraud in encouraging and coopting lawyers to file malpractice suits on behalf of Plaintiff Kaul's patients referred to them by me, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

395. I admit that I continued up until 2012 in the perpetration of the scheme of fraud in encouraging and coopting personal injury lawyers to stop referring their injured clients to Plaintiff Kaul, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

c. Healthcare Profession Obstruction

396. I admit, as detailed in the below admitted facts, a direct connection between Plaintiff Kaul's ability to retain medical experts in 2013 to testify in the illegal revocation proceeding and the exposing in 2023 of my involvement in a criminally minded and criminal scheme that commenced in 2005 and expanded to involve **The Kaul Cases** Defendants and others.

397. I admit that in recognizing the direct connection between Plaintiff Kaul's litigation purposed retention of medical experts and the exposing of my crimes, I did conspire with **The Kaul Cases** Defendants to attempt to sabotage the relationship between Plaintiff Kaul and his experts.

398. I admit that I and members of **The Kaul Cases** Defendants perpetrated a fraud on members of the New Jersey medical community by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

399. I admit that I conspired with other members of **The Kaul Cases** Defendants, including Defendant Christie and members of the Office of the New Jersey Attorney General, to instruct members of the New Jersey medical community to not provide expert opinion on behalf of Plaintiff Kaul in any legal matter, including the revocation proceeding.

400. I admit that I used my immense political power within the neurosurgical societies to coerce its members to refuse to conduct healthcare related business with any physicians that supported Plaintiff Kaul.

401. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that supported Plaintiff Kaul by filing knowingly false complaints against them to have their hospital privileges revoked.

402. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that supported Plaintiff Kaul by filing knowingly false complaints against them to have their licenses suspended and or revoked.

403. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that supported Plaintiff Kaul by filing against them knowingly false complaints of insurance fraud.

404. I admit that I used my immense political power within the neurosurgical societies to coerce its members to encourage physicians to use the US wires to disseminate knowingly fraudulent information that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery

405. I admit that I knew the purpose of my fraudulent scheme on members of the New Jersey medical community was to render Plaintiff Kaul unable to find medical experts to fight the revocation proceedings in the courts of law.

406. I admit that I knew that without medical experts, Plaintiff Kaul would not have been able to contest the revocation proceedings.

407. I admit that I conspired with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of medical experts.

408. I admit that the medical expert deprivation scheme was perpetrated by using the US wires and my immense political power within professional spine societies to manipulate potential minimally invasive spine experts.

409. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's reputation would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

410. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's economic standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

411. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's physician livelihood would deprive him of his ability to earn a wage, and prevent the payment of medical expert fees.

412. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's liberty would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

413. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's life would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

414. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's professional standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

415. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's social standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

416. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's psychological standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

417. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's physical standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

418. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's financial standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

419. I admit that the manipulation of potential minimally invasive spine experts was perpetrated with claims that the injury caused by our scheme to Plaintiff Kaul's reputational standing would deprive him of his ability to secure any wage-paying job and or outside funding, and prevent the payment of medical expert fees.

420. I admit that I knew that without contesting the revocation proceedings, Plaintiff Kaul would not have been able to create a record of the evidential fraud committed and aided and abetted by myself and **The Kaul Cases** Defendants.

421. I admit that I knew that without the record of evidential fraud, Plaintiff Kaul would never have been able to generate proof of the fraud preceding the revocation proceedings.

422. I admit that I knew that without the record of evidential fraud, that even if Plaintiff Kaul had considered the illegality of the circumstances preceding and involving the revocation, he would never have been able to generate proof of the fraud committed before and during the revocation proceedings.

423. I admit that Plaintiff Kaul's ability to retain medical experts to litigate the revocation proceedings caused the generation of evidence that now proves the revocation proceedings were and illegal.

424. I admit that Plaintiff Kaul's ability to retain medical experts to litigate the revocation proceedings caused the generation of evidence that now proves the revocation was and is illegal.

425. I admit that without medical experts to litigate the revocation proceedings, Plaintiff Kaul's license would have been revoked without the generation of any record of state fraud.

426. I admit that I continued the perpetration of the scheme of fraud in encouraging and coopting physicians complaints with the medical board against Plaintiff Kaul, by complaining with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

427. I admit that I continued up until 2012 in the perpetration of the scheme of fraud in encouraging physicians to stop referring patients to Plaintiff Kaul, by stating with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

d. Insurance Industry Obstruction

428. I admit that Plaintiff Kaul's has since 2012 materially sustained his existence to a standard to prosecute his claims, despite the perpetration and aiding and abetting by myself and **The Kaul Cases** Defendants of a scheme that embezzled and illegally deprived Plaintiff Kaul of monies owed to him by insurance carriers for care he provided to their fee-paying patients.

429. I admit, as detailed in the below admitted facts, a direct connection between Plaintiff Kaul's ability to exist and prosecute his claims and the exposing in 2023 of my involvement in a criminally minded and criminal scheme that commenced in 2005 and expanded to involve **The Kaul Cases** Defendants and others.

430. I admit that in recognizing the direct connection between Plaintiff Kaul's insurance based professional fee payment material existence and the exposing of my crimes, I did conspire with **The Kaul Cases** Defendants to perpetrate and aid and abet a knowingly illegal scheme of deprivation of payment.

431. I admit that I recognized that the stronger was Plaintiff Kaul's financial position, the greater was the risk of him exposing my crimes and those of **The Kaul Cases** Defendants.

432. I admit that I believed that if I and **The Kaul Cases** Defendants forced Plaintiff Kaul into a state of poverty, he would not expose our crimes.

433. I admit that the crimes committed by myself, and **The Kaul Cases** Defendants did force Plaintiff Kaul into a state of poverty.

434. I admit that the United States District Court granted Plaintiff Kaul in forma paupera status.

435. I admit that Plaintiff Kaul's exposition of my crimes and those of **The Kaul Cases** Defendants, despite his official state of poverty, evidences the fact that I and **The Kaul Cases** Defendants committed with a long-standing sense of privileged impunity, a massive amount of felonious conduct over almost two (2) decades.

436. I admit that I and members of **The Kaul Cases** Defendants perpetrated a fraud on members of the insurance industry by using the US wires to state with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

437. I admit that the purpose of using the US wires to disseminate the knowing falsity that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery, was to deprive Plaintiff Kaul of monies owed to him by insurance carriers for care he provided to their fee-paying patients.

438. I admit that I conspired with other members of **The Kaul Cases** Defendants, including Defendant Christie and members of the Office of the New Jersey Attorney General, to encourage members of the insurance industry to deprive Plaintiff Kaul of his legally mandated professional fees.

439. I admit that in conspiring with members of the insurance industry in the professional fee deprivation scheme, I did knowingly aid and abet the commission of a crime of theft of services against Plaintiff Kaul.

440. I admit that I used my immense political power within the neurosurgical societies to coerce its members to refuse to conduct healthcare related business with any insurance carriers that conducted business with Plaintiff Kaul.

441. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that continued to conduct any business with any insurance carriers that continued to conduct business with Plaintiff Kaul, by filing knowingly false complaints against these physicians to have their hospital privileges revoked.

442. I admit that I used my immense political power within the neurosurgical societies to have effectuated a sanctions-like scheme against members that either violated and or opposed my orders.

443. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that continued to conduct any business with any insurance carriers that continued to conduct business with Plaintiff Kaul, by filing knowingly false complaints against them to have their licenses suspended and or revoked.

444. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally undermine any physicians that continued to conduct any business with any insurance carriers that continued to conduct business with Plaintiff Kaul, by filing against them knowingly false complaints of insurance fraud.

445. I admit that I used my immense political power within the neurosurgical societies to coerce its members to use the US wires to disseminate the names of those members who continued to conduct any business with any insurance carriers that continued to conduct business with Plaintiff Kaul.

446. I admit that I used my immense political power within the neurosurgical societies to coerce its members to use the US wires to disseminate the names of those members who continued to provide any manner of support to Plaintiff Kaul.

447. I admit that I knew a purpose of my illegal sanctions-like scheme against neurosurgical society members who violated or opposed my orders, was to punish those that failed to comply with my orders.

448. I admit that I knew a purpose of my illegal sanctions-like scheme against neurosurgical society members who violated or opposed my orders, was to ostracize those that failed to comply with my orders.

449. I admit that I knew a purpose of my illegal sanctions-like scheme against neurosurgical society members who violated or opposed my orders, was to intimidate other members into coercing insurance carriers, with whom they conducted business, into depriving Plaintiff Kaul of his professional fees.

450. I admit that the ultimate purpose of my sanctions-like scheme against non-complying neurosurgical society members was to prevent Plaintiff Kaul from exposing my crimes and those of **The Kaul Cases** Defendants.

451. I admit that I believed that by causing and or coercing insurance carriers into depriving Plaintiff Kaul of his professional fees, he would be rendered financially unable to contest the revocation proceedings.

452. I admit that I conspired with **The Kaul Cases** Defendants to illegally attempt to cause and or coerce insurance carriers to illegally deprive Plaintiff Kaul of his professional fees.

453. I admit that the professional fee deprivation scheme was perpetrated by using the US wires and my immense political power within professional spine societies to manipulate the members into causing and or coercing insurance carriers to deprive Plaintiff Kaul of his professional fees.

454. I admit that multiple neurosurgical society members occupy controlling seats on insurance industry panels that determine payment.

455. I admit that I used the US wires in a knowingly illegal manner to conspire with these members to deny the payment of Plaintiff Kaul's professional fees.

456. I admit that I and **The Kaul Cases** Defendants convinced insurance carriers that there would be no repercussions to illegally depriving Plaintiff Kaul of his professional fees.

457. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's reputation by associated attacks on his economic standing/livelihood/liberty/life/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

458. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's economic standing by associated attacks on his reputation/livelihood/liberty/life/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

459. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's livelihood by associated attacks on his reputation/economic standing/liberty/life/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

460. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's liberty by associated attacks on his reputation/economic standing/livelihood/life/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

461. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's life by associated attacks on his reputation/economic standing/livelihood/liberty/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

462. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's professional standing by associated attacks on his life/reputation/economic standing/livelihood/liberty/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

463. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's social standing by associated attacks on his life/reputation/economic standing/livelihood/liberty/professional standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

464. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's psychological standing by associated attacks on his life/reputation/economic standing/livelihood/liberty/professional standing/social standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

465. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's physical standing by associated attacks on his life/reputation/economic standing/livelihood/liberty/professional standing/social standing/psychological standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

466. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's financial standing by associated attacks on his life/reputation/economic standing/livelihood/liberty/professional standing/social standing/psychological standing/physical standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

467. I admit that the professional fee deprivation scheme was coerced with claims that the permanency of the injury caused to Plaintiff Kaul's reputational standing by associated attacks on his life/economic standing/livelihood/liberty/professional standing/social standing/psychological standing/physical standing/financial standing would cause his permanent elimination, and eliminate the threat of any future challenge to the professional fee deprivation scheme.

468. I admit that I believed that by illegally depriving Plaintiff Kaul of his professional fees he would be deprived respectively of his ability and right to fund and retain counsel, and would actually be deprived of counsel to contest the revocation proceedings.

469. I admit that I knew that without contesting the revocation proceedings, Plaintiff Kaul would never have been able to create a record of the evidential fraud of the revocation proceedings committed and aided and abetted by myself and **The Kaul Cases** Defendants.

470. I admit that I knew that without the record of evidential fraud, Plaintiff Kaul would never have been able to generate proof of the fraud preceding the revocation proceedings.

471. I admit that I knew that without the record of evidential fraud of the revocation proceedings, that even if Plaintiff Kaul had considered the illegality of the circumstances preceding and involving the revocation, he would never have been able to generate proof of the fraud committed before and during the revocation proceedings.

472. I admit that Plaintiff Kaul's ability, despite the professional fee deprivation scheme, to litigate the revocation proceedings caused the generation of evidence that now proves the revocation proceedings were and illegal.

473. I admit that Plaintiff Kaul's ability, despite the professional fee deprivation scheme, to litigate the revocation proceedings caused the generation of evidence that now proves my guilt of the levied charges.

474. I admit that despite the professional fee deprivation scheme, Plaintiff Kaul was able to litigate the revocation proceedings

475. I admit that Plaintiff Kaul's litigation of the revocation proceedings caused the generation of evidence that now proves the revocation was and is illegal.

476. I admit that had Plaintiff Kaul not litigated the revocation proceedings, his license would have been revoked without the generation of any record of state fraud.

477. I admit that I knew and know that on or about March 23, 2013, approximately seventeen (17) days before the commencement of the revocation proceedings, Doreen Hafner, a lawyer employed by the State of New Jersey, attempted to have Plaintiff Kaul admit to her charges and

to agree to have his license revoked for seven (7) years and pay five hundred thousand dollars ($500,000).

478. I admit that I knew and know that the purpose of Hafner's proposal was to prevent litigation that she knew would result in the generation of evidence that now proves my guilt of the levied charges.

479. I admit that I knew and know that the purpose of Hafner's proposal was to prevent litigation that she knew would result in the generation of evidence that now proves that the revocation proceedings were conducted illegally.

480. I admit that I knew and know that the purpose of Hafner's proposal was to prevent litigation that she knew would result in the generation of evidence that proves that the revocation was, is and remains illegal.

481. I admit that I knew and know that the administrative law judge attempted to persuade Plaintiff Kaul to accept Hafner's proposal.

482. I admit that I knew and know that Plaintiff Kaul rejected Hafner's proposal.

483. I admit that I believe that Plaintiff Kaul rejected Hafner's proposal because he knew that his litigation of the proceedings would generate evidence favorable to his cause.

484. I admit that the evidence generated in 2013 and thereafter now indeed proves Plaintiff Kaul's cause and my guilt of the charges levied in **The Kaul Cases**, including those of K11-10.

485. I admit that I, in conspiracy with **The Kaul Cases** Defendants, continued to aid and abet the perpetration of the professional fee deprivation scheme up until approximately July 30, 2020, the date of closure of Bankruptcy Petition: 13-23366, a case filed on June 17, 2013.

486. I admit I knew and know that the professional deprivation scheme was illegally perpetrated through the United States Bankruptcy Court for the District of New Jersey.

487. I admit I knew and know through communications with my lawyer of the truthfulness of the claims of the Adversarial Complaint asserted by Plaintiff Kaul in Case No. 18-01489 in the United States Bankruptcy Court, filed on September 20, 2018.

489. I admit I knew and know that Case No. 18-01489 was almost dismissed because it exposed, amongst many other felonies, the professional fee deprivation scheme.

e. Political Body Obstruction

490. I admit that up until February 22, 2016, the date Plaintiff Kaul filed K1, I and **The Kaul Cases** Defendants believed that the Plaintiff Kaul elimination scheme would absolutely succeed.

491. I admit that this belief in its absolute success, in conjunction with the belief that Defendant Christie would become the 2016 American President, accounts for the impunity with which I and **The Kaul Cases** Defendants conducted the commission of a pattern of felonious conduct that commenced in 2005 and is ongoing.

492. I admit that an element of the Plaintiff Kaul elimination scheme involved using the media to perpetrate a public dehumanization and vilification of Plaintiff Kaul.

493. I admit that both I and **The Kaul Cases** Defendants knew and know, that coercing a majority of members of the political body into propagating and perpetuating the dehumanization and vilification scheme was critical to its success.

494. I admit that I knew and know that the majority of the public would never doubt state actions and would never believe a dehumanized and vilified Plaintiff Kaul.

495. I admit that the public dehumanization and vilification scheme provided me and **The Kaul Cases** Defendants a sense, albeit false, that our knowingly felonious conduct was justified.

496. I admit that I used my immense political power with the neurosurgical community and the general medical community to propagate the knowingly false dehumanization and vilification scheme and narrative.

497. I admit that the purpose of the propagation was to attempt to cause a global isolation of Plaintiff Kaul.

498. I admit that I and **The Kaul Cases** Defendants knew and know that Plaintiff Kaul had worked and been educated and trained in many foreign countries, with which he had maintained substantial personal and professional contact.

499. I admit that the purpose of the dehumanization and vilification related global isolation was to attempt to ensure the permanency of Plaintiff Kaul's global elimination, in an attempt to ensure that my crimes and those of **The Kaul Cases** Defendants would never be exposed.

500. I admit that it was my intention and that of **The Kaul Cases** Defendants to coopt and capture the political body to manipulate the public into perceiving Plaintiff Kaul as 'public enemy number one'.

501. I admit that the principal reason for the Plaintiff Kaul elimination scheme purposed 'public enemy number one' mischaracterization was to prevent Plaintiff Kaul from exposing both my long-standing pattern of felonious conduct and that of **The Kaul Cases** Defendants.

502. I admit that I and **The Kaul Cases** Defendants recognized that upon the April 2, 2012, commencement of the malicious and wide publicization of the revocation proceedings, Plaintiff Kaul would seek assistance from members of the political body.

503. I admit that I know that Plaintiff Kaul did in fact commence seeking assistance from members of the political body.

504. I admit that I know that Plaintiff Kaul's efforts in seeking assistance from members of the political body involved him telephoning and sending letters to his political representatives.

505. I admit that I know that Plaintiff Kaul's efforts in seeking assistance from members of the political body involved having patients of his, who were involved in the New Jersey political process, to enquire as to the truth of why the state had commenced revocation proceedings.

506. I admit that I know that the substance of Plaintiff Kaul's direct written communications to member of the political body pertained to his enquiry as to the truth of why the state had commenced revocation proceedings.

507. I admit that I knew and know that all members of the political body and their agents, had been ordered by Defendant Christie and his agents to ignore all enquiries made by Plaintiff Kaul, his patients and or any persons acting on his behalf.

508. I admit that I knew and know that all enquiries were in fact ignored.

509. I admit that I and members of **The Kaul Cases** Defendants perpetrated a fraud on members of the political body by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

510. I admit that I conspired with other members of **The Kaul Cases** Defendants, including Defendant Christie and members of the Office of the New Jersey Attorney General, to instruct members of the political body to not provide any support to Plaintiff Kaul.

511. I admit that I used my immense political power within the neurosurgical societies to coerce its members to threaten to refuse to provide political campaign monies to any members of the political body, if they responded to any of Plaintiff Kaul's enquiries

512. I admit that I used my immense political power within the neurosurgical societies to coerce its members to threaten to refuse to provide political campaign monies to any members of the political body that provided any manner of support to Plaintiff Kaul.

513. I admit that I used my immense political power within the neurosurgical societies to coerce its members to threaten to refuse to provide political campaign monies to any members of the political body that provided any revocation proceeding related information to Plaintiff Kaul.

514. I admit that I used my immense political power within the neurosurgical societies to coerce its members to refuse to provide political campaign monies to those members of the political body who violated my order and provided information and or support to Plaintiff Kaul.

515. I admit that I used my immense political power within the neurosurgical societies to coerce its members to ostracize those neurosurgical members who violated my order by providing political campaign donations to political body members who supported and or provided information to Plaintiff Kaul.

516. I admit that I used my immense political power within the neurosurgical societies to coerce its members to professionally attack with complaints to, amongst others, medical boards, hospital credentialing committees and insurance companies, those neurosurgical members who violated my order by providing political campaign donations to political body members who supported and or provided information to Plaintiff Kaul.

517. I admit that a principal purpose my egregious abuse of my immense power with members of the neurosurgical societies and political body was to attempt to ensure the absolute elimination of Plaintiff Kaul in order to attempt to ensure he never exposed my crimes and those of **The Kaul Case**s Defendants.

518. I admit that I and **The Kaul Cases** Defendants knew the purpose of our coopting and capture of the political body and its members was to render Plaintiff Kaul absolutely isolated and unable to find any political support to fight the revocation proceedings in the courts of public opinion and law.

519. I admit that I knew that depriving Plaintiff Kaul of political support was a necessary element of the scheme to respectively attempt to destroy and deprive Plaintiff Kaul of his determination and ability to contest the revocation proceedings.

520. I admit that I knew and know that this scheme of destruction and deprivation were critical elements of the overall scheme of a permanent global elimination of Plaintiff Kaul.

521. I admit that I knew and know that the purpose of the permanent global elimination of Plaintiff Kaul was to prevent the exposition by Plaintiff Kaul of the decades-plus long pattern of felonious conduct of myself and **The Kaul Cases** Defendants.

522. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his economic standing would prevent the payment of political campaign donations.

523. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his reputation would deprive him of his ability to secure any wage-paying job and or outside funding and would prevent the payment of political campaign donations.

524. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his physician livelihood would deprive him of his ability to earn a wage and would prevent the payment of political campaign donations.

525. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his liberty would deprive him of his ability to secure any wage-paying job and would prevent the payment of political campaign donations.

526. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his life would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

527. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his professional standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

528. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his social standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

529. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his social standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

530. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his psychological standing would deprive him of

his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

531. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his physical standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

532. I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his financial standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

533.I admit that my conspiracy with **The Kaul Cases** Defendants to attempt to deprive Plaintiff Kaul of political support through the coopting and capture of the political body and its members, was perpetrated by using the US wires to manipulate political body members with claims that the injury caused by our scheme to his reputational standing would deprive him of his ability to secure any wage-paying job, and prevent the payment of political campaign donations.

534. I admit that I believed that by depriving Plaintiff Kaul of political support it would respectively destroy and deprive him of his determination and ability to contest the revocation proceedings.

535. I admit that I knew that a destruction of Plaintiff Kaul's determination and a deprivation of his ability to contest the revocation proceedings, would have prevented Plaintiff Kaul from creating a record of the evidential fraud committed and aided and abetted by myself and **The Kaul Cases** Defendants.

536. I admit that I continued the perpetration of the scheme of fraud in encouraging and coopting members of the political body to not support Plaintiff Kaul's requests for information and assistance, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

537. I admit that I continued the perpetration of the scheme of fraud in encouraging and coopting members of the political body to not support requests for information and assistance from persons acting on behalf of Plaintiff Kaul, by telling them with knowing falsity, that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

538. I admit that I continued and am continuing the perpetration of the scheme of fraud in encouraging and coopting members of the political body to actively obstruct Plaintiff Kaul's efforts to have his New Jersey license reinstated, by telling them that to so would be a tacit admission of my guilt and that of **The Kaul Cases** Defendants.

539. I admit that I continued and am continuing the perpetration of the scheme of fraud in encouraging and coopting members of the political body to actively obstruct Plaintiff Kaul's efforts to have his New Jersey license reinstated, by telling them that to so would empower Plaintiff Kaul in the prosecution of claims against us.

540. I admit that I continued and am continuing the perpetration of the scheme of fraud in encouraging and coopting members of the political body to actively obstruct Plaintiff Kaul's efforts to have his New Jersey license reinstated, by telling them that to so would empower Plaintiff Kaul in the prosecution of his claims against us.

541. I admit that I know that an empowerment of the prosecution of the claims against us will further expedite an even more detailed exposition of the crimes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks knowingly committed and aided and abetted by myself and **The Kaul Cases** Defendants over at least the last two (2) decades.

542. I admit that I know that a more detailed exposition of the crimes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks knowingly committed and aided and abetted by myself and **The Kaul Cases** Defendants over at least the last two (2) decades will reveal multiple grave miscarriages of justice committed against innocent, principally ethnic minority physicians.

543. I admit that I have read the testimony transcript in the matter of USA v Pompy: 18-cr-20454 of James Stewart Howell, an undercover investigator for Blue Cross Blue Shield Insurance Company (copy attached).

544. I admit that I know that the scheme detailed by Howell has been conducted on many occasions in the State of New Jersey, because I have spoken to a number of physicians with whom I conduct healthcare business, and who are employed by Horizon Blue Cross Blue Shield of New Jersey in the perpetration of such schemes.

545. I admit that although I have not directly participated in such schemes, I conduct healthcare business with physicians who use such schemes to eliminate physicians who pose a competitive threat to our business interests.

546. I admit that I know that in approximately August 2015, members of the political body and agents representing Defendant Christie attempted to entrap Plaintiff Kaul in a corruption 'sting operation' by having one of Plaintiff Kaul's physician colleagues organize a meeting with the physician colleagues private wealth manager, on the pretext that this individual, recognizing the

injustice of the revocation and having business connections with the state, wished to assist Plaintiff Kaul in his effort to have his license reinstated.

547. I admit that I know that at the meeting the private wealth manager asked Plaintiff Kaul if he would be willing to donate ten million dollars ($10,000,000) to Defendant Christie's political campaign, he could likely have his license reinstated.

548. I admit that I know that Plaintiff Kaul responded with **"I don't condone such conduct"** and shortly thereafter departed the meeting.

549. I admit that I know Plaintiff Kaul reported these events to a number of people, one of whom submitted an affidavit contained in the EVIDENTIAL EXHIBITS.

RICO Predicate Act Of Evidential Tampering

550. I admit that I knew about the scheme of evidential tampering.

551. I admit that I did aid and abet the scheme of evidential tampering by failing to report this crime to prosecutorial authorities anywhere in the United States,

552. I admit that I knew that because the illegal revocation of Plaintiff Kaul's New Jersey license would illegally violate his right in these states to procure a license and that therefore prosecutors in these states had jurisdiction to file charges against me for aiding and abetting the crime of evidential tampering.

RICO Predicate Act Of Witness Tampering

553. I admit that the scheme of witness tampering in which I knowingly engaged, involved encouraging patients and physicians to lie under oath.

554. I admit that my encouragement of patients to lie under oath, involved instructing them to fabricate and provide knowingly false testimony under oath that their pain increased and that they experienced arm and leg numbness and muscular weakness after having been operated on by Plaintiff Kaul.

555. I admit that my encouragement of physicians to lie under oath, involved instructing them to fabricate and provide knowingly false testimony under oath that Plaintiff Kaul was not legally qualified, credentialed and licensed to perform minimally invasive spine surgery and his care had grossly deviated from a standard of care.

RICO Predicate Act Of Public Corruption

556. I admit that the scheme of public corruption in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to have Plaintiff Kaul's license illegally revoked.

557. I admit that the scheme of public corruption in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to have conducted grand jury proceedings.

558. I admit that the scheme of public corruption in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to conduct grand jury proceedings to attempt to have Plaintiff Kaul indicted and incarcerated.

559. I admit that the scheme of public corruption in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to coerce, and did coerce the power of the FBI and the US Attorney's Office to commence a criminal investigation against Kaul.

560. I admit that the scheme of public corruption in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to coerce, and did coerce the power of state investigators and prosecutors to commence a criminal investigation against Kaul.

561. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to destroy Plaintiff Kaul's livelihood.

562. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to destroy Plaintiff Kaul' economic standing,

563. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to destroy Plaintiff Kaul' reputation.

564. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to have Plaintiff Kaul incarcerated.

565. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to force Plaintiff Kaul's family into a state of poverty.

566. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to alienate Plaintiff Kaul from his children by forcing them into poverty.

567. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to cause Plaintiff Kaul to commit suicide.

568. I admit that my specific intention in aiding and abetting the perpetration of the scheme of public corruption was to have Plaintiff Kaul's license illegally revoked.

RICO Predicate Act Of Kickbacks

569. I admit that the scheme of kickbacks in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to have Plaintiff Kaul's license illegally revoked.

570. I admit that the scheme of kickbacks in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to have conducted grand jury proceedings.

571. I admit that the scheme of kickbacks in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to use, and did use the power of state to conduct grand jury proceedings to attempt to have Plaintiff Kaul indicted and incarcerated.

572. I admit that the scheme of kickbacks in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to coerce, and did coerce the power of the FBI and the US Attorney's Office to commence a criminal investigation against Kaul.

573. I admit that the scheme of kickbacks in which I knowingly engaged, involved the funneling of bribes to, amongst others, Defendant Christie, who in exchange promised to coerce, and did coerce the power of state investigators and prosecutors to commence a criminal investigation against Kaul.

574. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to destroy Plaintiff Kaul's livelihood.

575. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to destroy Plaintiff Kaul' economic standing,

576. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to destroy Plaintiff Kaul' reputation.

577. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to have Plaintiff Kaul incarcerated.

578. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to force Plaintiff Kaul's family into a state of poverty.

579. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to alienate Plaintiff Kaul from his children by forcing them into poverty.

580. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to cause Plaintiff Kaul to commit suicide.

581. I admit that my specific intention in aiding and abetting the perpetration of the scheme of kickbacks was to have Plaintiff Kaul's license illegally revoked.

2016 – 2022

RICO Predicate Act Of Bribery

582. I admit that the scheme of bribery in which I knowingly engaged, did at some point after February 22, 2016, extend to persons employed within the United States District Court.

583. I admit that in the conception and perpetration of the scheme of bribery within the United States District Court, I knowingly and willfully deprived Plaintiff Kaul of his human and constitutional rights.

584. I admit that the principal purpose of the scheme of bribery that extended to persons employed within the United States District Court was to prevent Plaintiff Kaul from further exposing the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks.

585. I admit that I knew and know that my involvement in the scheme of bribery constitutes a pattern of felonious conduct.

586. I admit that I knew and know that this felonious conduct, under criminal prosecution, will cause my incarceration.

587. I admit that I know that my perpetration and the aiding and abetting of the perpetration of the scheme of bribery with persons employed within the United States district Court constitutes an ongoing pattern of felonious conduct.

588. I admit that the perpetration of the scheme of bribery with persons employed within the United States District Court involved the funneling of bribes to certain district court judges in exchange for dismissing Plaintiff Kaul's cases.

589. I admit that bribes were funneled to certain district court judges through lawyers and law firms.

590. I admit that the first district judge to which Plaintiff Kaul's first lawsuit (K1) was assigned, had represented me in 1999 in the matter of Howard v UMDNJ (ESX-L-2366-99 -New Jersey Superior Court) in the New Jersey Supreme Court.

591. I admit that in Howard v UMDNJ a jury had entered a verdict against me of $5.2 million for having operated on an otherwise healthy thirty-five (35) year old man, and causing him to become quadriplegic.

592. I admit that in K1 I, through my lawyers, funneled bribes to the ex-law firm of the district judge, a law firm in which he had been the managing director.

593. I admit that neither I nor my lawyer nor the district judge disclosed this conflict of interest to Plaintiff Kaul, the record, or the Court.

594. I admit that this conflict of interest was revealed to the record by Plaintiff Kaul on May 22, 2019, after which the district court judge became disqualified.

595. I admit that in the period from 2005/2006 to 2022, I paid bribes to certain state and federal judges that were part of a quid pro quo scheme in which the bribes were exchanged for the judges' dismissals of all cases filed by Plaintiff Kaul in American courts.

596. I admit that my pattern of judicial bribery continued into the United States District Court for the Southern District of New York in Kaul v ICE: 21-CV-06992 (K11-7).

597. I admit that my specific intention in perpetrating the scheme of bribery was to prevent Plaintiff Kaul from exposing my crimes and those of **The Kaul Cases** Defendants, the crimes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks.

598. I admit that I knew the bribes funneled to the K11-7 district judge were part of a quid pro quo scheme in exchange for which the district judge entered an order on September 12, 2022, that dismissed Plaintiff Kaul's case with prejudice.

599. I admit that I knew the bribes funneled to the K11-7 district judge were part of a quid pro quo scheme in exchange for which the district judge entered an order on September 12, 2022, that attempted to permanently prevent Plaintiff Kaul from forever seeking any relief in any American court.

600. I admit that I knew the bribes funneled to the K11-7 district judge were part of a quid pro quo scheme in exchange for which the district judge entered an order on September 12, 2022, that attempted effectively to have Plaintiff Kaul jailed if he ever filed a case seeking relief.

601. I admit I knew that the district judge, through intermediaries, demanded a bribe much larger than that funneled in previous cases, before he agreed to use the power of the United States District Court to enter the September 12, 2022, order.

602. I admit that I knew, through conversations with my then lawyer, that the district judge knew his September 12, 2022, order was the product of bribery, was fraudulent in nature and violative of the law.

603. I admit I knew that the district judge, through intermediaries, demanded a bribe much larger than that funneled in previous cases, before he agreed to use the power of the United States District Court to further, and in such a knowingly egregious manner, violate Plaintiff Kaul's human and constitutional rights.

604. I admit I knew that the purpose of the K11-7 order was draconian in that it sought to permanently deprive Plaintiff Kaul of his right to substantive due process, and to cause a cessation of his existence.

605. I admit that I knew the purpose of the K11-7 order was draconian in that it sought to permanently and illegally deprive Plaintiff Kaul of his right to his livelihood, liberty, and life.

606. I admit that I knew **The Kaul Cases** Defendants while seeking to deprive Plaintiff Kaul of his right to due process in the American courts, were simultaneously conspiring to obstruct and were obstructing his efforts to have the State of Pennsylvania issue his medical license number.

607. I admit that I knew the purpose of the scheme of obstruction of license and deprivation of due process were elements of a wider conspiracy to cause the cessation of Plaintiff Kaul's existence.

608. I admit that the bribe monies were funneled from my lawyer to the K11-7 corporate defendants lawyers who then funneled them to the district court judge and persons related to him to the third degree.

609. I admit that I knew and know that the purpose of funneling my bribe monies through lawyers and law firms to the district judge was to provide 'attorney-client' cover for the scheme.

610. I admit that I knew and know that the purpose of the 'attorney-client' cover was and is an illegal attempt to obstruct any civil and or criminal investigation.

611. I admit that bribes were indirectly funneled to the district court judge by first funneling them to the corporate defendants, who then converted the monies into stocks and shares and transmitted them to the K11-7 district judge.

612. I admit that the funneling of bribes through the corporate defendants involved the sham purchase of corporate shares.

613. I admit that I knew and know that the corporate shares, purchased with fraudulent intent, were then funneled to the K11-7 district judge as part of the bribery related quid pro quo scheme.

614. I admit that I knew and know that in exchange for the bribery related corporate shares, the district judge dismissed K11-7 with prejudice and effectively threatened Plaintiff Kaul with jail if he ever sought to vindicate his human and constitutional rights.

615. I admit that the funneling of bribes through the corporate defendants also involved the purchasing of sham consulting and legal services from their lawyers by my lawyers.

616. I admit that these sham consulting and legal service-related bribes were then funneled to the corporate defendants lawyers, who funneled them to the district court judge and persons related to him to the third degree.

617. I admit that the funneling of bribes through the corporate defendants involved the sham purchase of corporate shares.

618. I admit that bribes were indirectly funneled to certain district court judges by first funneling them to the corporate defendants, who then transmitted them to certain district court judges in the form of stocks and shares.

619. I admit that in a period from 2005/2006 to 2022 I conspired to attempt to conceal the scheme of bribery by using the US wires to falsely disseminate to the public that Plaintiff Kaul was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

620. I admit that in my scheme of concealment I did not inform the public that Plaintiff Kaul's license was revoked because of, amongst other things, my scheme of bribery.

621. I admit that in my scheme of concealment I did not inform the public that Plaintiff Kaul's license was revoked not because he was not qualified/credentialed/licensed/trained to perform minimally invasive spine surgery.

622. I admit that in my scheme of concealment I did not inform the public that Plaintiff Kaul's license was actually revoked because I and others concluded his expertise in outpatient minimally invasive spine surgery presented a substantial and expanding threat to our hospital-based spine business.

623. I admit that my aiding and abetting the perpetration of the scheme of bribery were purposed to cause circumstances that would destroy and did destroy Plaintiff Kaul's economic standing/reputation/livelihood/liberty/life.

624. I admit that my aiding and abetting the perpetration of the scheme of bribery were purposed to cause circumstances that would destroy and did destroy the lives of Plaintiff Kaul's children.

625. I admit that my aiding and abetting the perpetration of the scheme of bribery destroyed Plaintiff Kaul's livelihood.

626. I admit that my aiding and abetting the perpetration of the scheme of bribery destroyed Plaintiff Kaul's economic standing,

627. I admit that my aiding and abetting the perpetration of the scheme of bribery destroyed Plaintiff Kaul's reputation.

628. I admit that my aiding and abetting the perpetration of the scheme of bribery had Plaintiff Kaul kidnapped on May 27, 2021.

629. I admit that my aiding and abetting the perpetration of the scheme of bribery had Plaintiff Kaul incarcerated

630. I admit that my aiding and abetting the perpetration of the scheme of bribery forced Plaintiff Kaul's family into a state of poverty.

631. I admit that my aiding and abetting the perpetration of the scheme of bribery alienated Plaintiff Kaul from his children by forcing them into poverty.

632. I admit that I know that the admissions within this document, if not timely rebutted/contested/refuted, regardless of the ultimate civil disposition of the summary judgment motion, will substantiate a basis for criminal indictment.

RICO Predicate Act Of Public Corruption

633. I admit that the scheme of public corruption in which I knowingly engaged, did at some point after February 22, 2016, extend to include persons employed within the United States District Court.

634. I admit that the principal purpose of the scheme of public corruption that extended into the United States District Court was to prevent Plaintiff Kaul from further exposing the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks.

635. I admit that I knew and know that my involvement in the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks constitutes a pattern of felonious conduct.

636. I admit that I knew and know that this felonious conduct, under criminally prosecution, will cause my incarceration.

637. I admit that I know that my perpetration and the aiding and abetting of the perpetration of the scheme of public corruption in the United States district Court constitutes an ongoing pattern of felonious conduct.

638. I admit that the perpetration of the scheme of public corruption in the United States District Court involved the funneling of bribes to certain district court judges in exchange for dismissing Plaintiff Kaul's cases.

RICO Predicate Act Of Kickbacks

639. I admit that the scheme of kickbacks in which I knowingly engaged, did at some point after February 22, 2016, extend to persons employed within the United States District Court.

640. I admit that the principal purpose of the scheme of kickbacks that extended to persons employed within the United States District Court was to prevent Plaintiff Kaul from further exposing the schemes of bribery, fraud, evidential tampering, witness tampering, public corruption, and kickbacks.

641. I admit that I knew and know that my involvement in the scheme of kickbacks constitutes a pattern of felonious conduct.

642. I admit that I knew and know that this felonious conduct, under criminally prosecution, will cause my incarceration.

643. I admit that I know that my perpetration and the aiding and abetting of the perpetration of the scheme of kickbacks with persons employed within the United States district Court constitutes an ongoing pattern of felonious conduct.

644. I admit that the perpetration of the scheme of kickbacks with persons employed within the United States District Court involved the funneling of bribes to certain district court judges in exchange for dismissing Plaintiff Kaul's cases.

645. I admit that kickbacks were funneled to certain district court judges through lawyers and law firms.

646. I admit that kickbacks were indirectly funneled to certain district court judges by first funneling them to the corporate defendants, who then transmitted them to certain district court judges in the form of stocks and shares.

647. I admit that the funneling of kickbacks through the corporate defendants involved the sham purchase of corporate shares.

648. I admit that the funneling of kickbacks through the corporate defendants involved the purchasing of sham legal services from their lawyers by my lawyers.

649. I admit that the kickbacks funneled to the corporate defendants lawyers were then funneled to certain district court judges and persons related to the third degree.

Evidential Exhibits

650. I admit that the documents contained within the Evidential Exhibits were placed in my possession by my counsel, Mr. Edward Sponzilli.

651. I admit that I have read the documents contained within the Evidential Exhibits.

652. I admit that I know the documents are organized into three exhibits that cover the time periods from 1998 to 2014, 2015 to 2020 and 2021 to 2022.

653. I admit that my counsel explained to me the context, content, relevance, and purpose of these documents.

654. I admit that I understand the context of these documents.

655. I admit that I understand the content of these documents.

656. I admit that I understand the relevance of these documents

657. I admit that I understand the purpose of these documents.

658. I admit that my counsel explained to me the evidence and facts contained within these documents.

659. I admit that I know and understand the evidence and facts contained within these documents.

660. I admit that I had the right, opportunity, and ability to deny or otherwise refute the evidence and facts contained within these documents.

661. I admit that I have not denied and or otherwise refuted the evidence and facts contained within these documents.

662. I admit that the facts contained within these documents are undisputed.

663. I admit that the facts contained within these documents are admitted.

664. I admit that the facts contained within these documents constitute no genuine issue for trial.

665. I admit that the facts contained within these documents corroborate those admitted within the STATEMEMT OF ADMITTED FACT.

666. I admit that the facts contained within these documents constitute proof of the elements of the charges levied against me by Plaintiff Kaul.

Dated: April 24, 2023

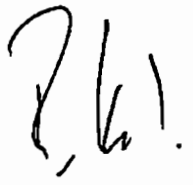


Exhibit 19

www.drrichardkaul.com

May 12, 2023

Honorable Jennifer L. Rochon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Kaul/Basch v ICE: 23-CV-2016
K11-10
Plaintiffs Response to D.E. 27

Dear Judge Rochon,

We write this letter to respectfully inform you that the opinion/order entered on May 11, 2023, are, pursuant to the Federal Rules of Appellate Procedure not final, as there exist unadjudicated motions, and thus the opinion/order are invalid and without legal effect.

Specifically, these are the motions for Summary Judgment (D.E. 6/7/8/9) and Default (D.E. 22/23) against Defendant Heary, and moreover, and pursuant to F.R.C.P 36, Defendant Heary's failure to contest/refute/rebut/address the facts within the ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY (D.E. 9), which include facts probative of the 'Fraud on the Court', has caused these facts of racketeering offense/injury to be permanently admitted.

Similarly, Defendant ICE failed, not unexpectedly, and as predicted by RICO's vicarious liablity doctrine, to deny the fact, as stated by Plaintiffs Kaul/Basch (D.E. 24 Page 5 of 10), of their equal and conferred liablity for the facts of offense/injury committed and caused by all of the K11-10 Defendants, **"the crime of one becomes the crime of all"**.

The invalidity of the opinion/order, both procedurally and substantively, in that it fails to provide superseding authority to nullify the K11-7 'Fraud on the Court', in conjunction with the controlling law (D.E. 1 Page 82 of 169) regarding the filing of **"An Independent action to set the judgment aside brought in the same court of a <u>different court</u>"** and, arguably of most significance, the facts admitted in K11-10, do unequivocally substantiate a basis for action in a district court within the United States District Court.

However, should this Court decide to retroactively adjudicate the unresolved motions, any such adjudication will require that by May 24, 2023, as pursuant to the thirty (30) day mandate of Rule 36, Defendant Heary deny the facts within the ADMISSION OF MATERIAL AND UNDISPUTED FACT OF DEFENDANT ROBERT HEARY (D.E. 9). Failure to do so, will establish foundations for Summary Judgment against all K11-10 Defendants in any and all future actions.

The K11-10 Defendants, and U.S.D.J. Oetken, whose foolhardy copying by Defendant ICE (D.E.) converted him from a jurist to a witness/defendant, will remain subject to prosecution until the admitted facts are legitimately/legally litigated to conclusion.

We thank you for the time and effort you have contributed to this case.

Yours sincerely

RICHARD ARJUN KAUL, MD

DAVID B. BASCH, MD

Exhibit 20

The New York Times

Insurers Swindled Jews, Nazi Files Show

By Christopher S. Wren

May 18, 1998

In an outburst of anti-Semitic violence that presaged the Holocaust, mobs incited by the Nazis rampaged through Berlin and other German cities on Nov. 9 and 10, 1938, smashing and torching an estimated 171 synagogues and thousands of Jewish shops and homes.

Nearly 60 years later, fresh details surrounding Kristallnacht, or "night of broken glass," have been extracted from Government archives in Moscow that have been storing Nazi documents seized by Soviet troops in 1945.

The Nazi Government was known to have confiscated insurance payments to Jews whose property was damaged in Kristallnacht. But the newly unearthed documents suggest that German insurance companies not only connived with the Nazis to avoid paying Jewish policyholders, but also sometimes exceeded Government guidelines and canceled unrelated life, health and pension policies on which Jews had been paying premiums for years.

Some of the documents are to be presented today at a hearing in Manhattan scheduled by the New York State Senate Insurance Committee. The panel, headed by Guy J. Velella, Republican of the Bronx, is considering legislation that would penalize European insurers who do business in New York if they failed to pay claims related to the Holocaust.

The documents, which abound with anti-Jewish slurs, include a confidential industry estimate that at least 19 of the 43 German fire insurance companies stood to suffer losses for the year if they fulfilled their obligations to Jewish policyholders for Kristallnacht. That contradicts an assertion of some German insurers that they did not profit from the Holocaust.

An agreement reached last month commits four European insurers, including the Allianz of Munich, the world's second-largest insurance company, to open their books to an international tribunal and help expedite the claims of people whose policies were seized or not honored.

Many insurers mentioned in the documents no longer exist. Allianz is cited in the industry estimate as one of the 19 companies that could expect to lose money, but does not appear elsewhere. Company officials did not respond to requests for comment.

The Nazi documents, found in February and April, remain stored in Moscow. Photocopies of some excerpts were made available by Risk International Services Inc. of Houston, a company that specializes in "insurance archeology" by searching repositories, from archives to attics, to retrieve lost insurance documents and determine their significance.

The vice president and counsel of Risk International, Douglas L. Talley, said although the research was preliminary, the documents indicate how the Nazis, with the German insurance industry's complicity, established the practice of confiscating the insurance assets of German Jews. Mr. Talley found some of the documents in Moscow in a Nazi folder marked "Insurance Affairs -- Jewish Questions."

According to William L. Shirer's "Rise and Fall of the Third Reich," after the Kristallnacht riots, three Nazi leaders -- Hermann Goring, Josef Goebbels and Reinhard Heydrich -- met with an Allianz executive who represented the German insurance industry, Eduard Hilgard. Mr. Hilgard told them that confidence in the industry would suffer if Jewish claimants were not paid, but that reimbursing them could bankrupt smaller companies.

After the war Mr. Hilgard told Allied interrogators that he had helped the companies settle Kristallnacht claims at 3 cents to the dollar.

Foreign and non-Jewish claims were paid, but Field Marshal Goring confiscated the money due Jewish policyholders. In a document dated Nov. 29, 1938, the Nova insurance company informed insurance regulators that in keeping with the confiscation order, "Jewish members of the cooperative are excluded" from receiving benefits.

In a letter dated Nov. 17, 1938, the Isar Life Insurance Stock Company said that so many Jewish clients were desperately trying to cash in their policies "that the worst fears have to be asserted for the further existence of our company." Isar asked the Government's

Oversight Office for permission to deny payment or to convert policies owned by Jews to nonredeemable status.

The Economic Ministry initially balked at letting insurance companies exploit Goring's confiscation of reimbursements for Kristallnacht as a pretext for not honoring other Jewish claims. On Nov. 21, 1938, a ministry official reminded insurers that the order affected "only the insurance claims confiscated from Jews of German citizenship for the benefit of the Reich, which came due because of the events of Nov. 8, 9 and 10, 1938."

"Other insurance claims, for example, life insurance, etc., are not affected," the official wrote. "Please communicate this to the companies involved."

Other documents to be released today suggest how swiftly some companies moved to cancel life, health and pension benefits of their Jewish customers after Kristallnacht A letter from a representative of a group of health insurers dated Nov. 14, 1938, said, "To the extent insurance conditions permitted, Jewish insured were canceled already." He reminded the Government that he proposed excluding Jews in 1935 and described them as "the worst risks" who did not belong in the same risk pool as Aryans.

On Nov. 23, 1938, another German insurer selling pension annuities notified Government overseers that "we will discontinue the payment of pensions and widows' pensions beginning December of this year, insofar as the recipients are Jews."

The Guardian

This article is more than **4 years old**

Family's quest for truth reveals top insurer's link to SS death camps

Dina Gold researched her family's Berlin past – and uncovered a dark secret dating from the Nazi era

Michael Freedland

Sat 26 Nov 2016 17.00 EST

When Dina Gold began searching for the Berlin property seized from her family by the Nazis in the 1930s, she had little idea she would unearth a dark secret - how the SS paid millions in premiums to insure a key part of Auschwitz and other death camps to what is still one of Germany's top insurance companies.

Gold, a former BBC reporter now living in Washington, wrote earlier this year about her quest to find the massive Berlin building that had housed the headquarters of fur traders H Wolff, owned by her grandparents, which was taken over by the Nazis in 1937, four years after Adolf Hitler came to power.

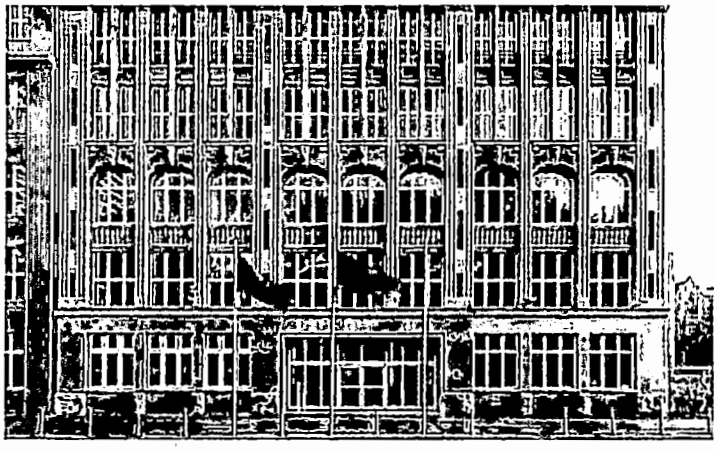
Stolen Legacy related how her search was prompted by the stories her grandmother, Nellie Wolff, told of her family's life in pre-Nazi Germany and how they had owned a huge building in the centre of Berlin, which served as the headquarters of their successful business. Nellie died in 1977, leaving nothing to help locate the property or prove its ownership. When the Berlin Wall fell in 1989, Gold set out to find the truth.

Some in the family were sceptical, but Gold had listened to Nellie, who had enthused: "Dina, when the Wall comes down and we get back our building in Berlin, we'll be rich." She began a trawl of documents and identified the building - Krausenstrasse 17/18 - by unearthing a 1920 trade directory. Built by Gold's great-grandfather in 1910, it was foreclosed upon by the Victoria Insurance Company in 1937 and transferred to the Deutsche Reichsbahn, Hitler's railways that later transported millions of Jews to death camps.

After Gold's book was published, an executive of Ergo, the company that now owns the insurer, allowed her to see the archive recording the activities of the firm during the Nazi era. They revealed that the SS, which ran factories in the camps at Auschwitz, Buchenwald and Stutthof, close to what is now Gdansk, paid a consortium of firms, including the Victoria, premiums of 3.7m reichsmarks a year (£320,000 at 1939 exchange rates) to insure the factories.

"They didn't insure the workers," says Gold. "They were too easily replaced."

The death camp factories - described as "German equipment works" - were run by the Deutsche Ausrüstungswerke, wholly owned by the SS. The archive showed the close link between the factories and the concentration camps. One read: "Special security patrols are not taking place because the workshop is located in the grounds of the concentration camp, which is under permanent military guard."



The Wolff family's former Berlin headquarters on Krausenstrasse.
Photograph: Heinrich Hermes/Heinrich hermes

The Victoria's head, Kurt Hamann, was awarded Germany's highest civilian honour, the Federal Cross of Merit, after the war and had a foundation named after him at Mannheim University. Gold discovered documents linking him to the forced sale of the Wolff building, and Hamann was listed in a book by the War Office in London in 1944 called *Who's Who in Nazi Germany*.

The archive revealed how the Victoria held a mortgage on Krausenstrasse 17/18. Once the Victoria foreclosed on the mortgage - the Wolffs had paid their premiums, but the Nazis decreed all businesses had to be taken out of Jewish hands - the insurer sold the building to the German state railways. Herbert Wolff came away with the sterling equivalent of £100. He left Germany,

emigrated to British-mandated Palestine and divorced his wife. His children (including Gold's mother, Aviva, who would be sent to Britain by Nellie at the age of 14) followed.

At the end of the war, the building was taken over by the East German railways. When the Wall fell, the new German railway became the owners and 20 years ago a deal was struck giving the Wolff family £8m.

Gold quotes Rudolf Vrba, who escaped from one of the factories, who wrote: "My job was painting ski boards [it was the time of the severest winter fighting on the Russian front]. We had to finish a minimum of 110 pieces a day. Anyone who could not complete that amount was flogged in the evening. We had to work very hard to avoid the evening punishment. Another group manufactured boxes for shells. On one occasion 15,000 such boxes ... were found to be a few centimetres shorter than ordered. Thereupon several Jewish prisoners ... were shot for sabotage."

Alexander Becker from Ergo said: "We are very open about this. This is nothing to be proud of. We have known about the link between the Victoria and the camps for several years."

Hamann's honour has yet to be rescinded, and the University fellowship still exists. But a plaque at the family building now records that Krausenstrasse 17/18 used to be the HQ of "H Wolff fur company, one of Berlin's oldest Jewish fashion firms".

Gold said: "You can call it a granddaughter's revenge."

Stolen Legacy: Nazi Theft and the Quest for Justice at Krausenstrasse 17/18, Berlin, by Dina Gold, is available from the Guardian bookshop

This article was amended on 27 November 2016 to remove incorrect references to Kurt Hamann's honour and fellowship having been rescinded.

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Topics
- Germany
- The Observer
- Nazism
- Holocaust
- Berlin Wall
- news

Kaul v Boston Partners: K11-2

The Slaving-Nazi-Insurance Axis

This exhibit consists of:

1. This cover page.
2. Excerpts from the Nuremberg Indictment juxtaposed to excerpts from **The Kaul Cases**.

The common thread connecting the slaving industry, the Nazi atrocities and the "War on Doctors" (1990 to the present) is the ruthless/genocidal for-profit insurance/banking industry/machine of which Defendants Allstate/Geico/TD/Northern Trust/Boston Partners are members.

The purpose and relevance of this exhibit is to illustrate and evidence that the insurance industry of which Defendants Allstate/Geico are members/beneficiaries, have been engaging in "patterns of racketeering" since the inception of the industry in London in the 1600s. The fundamental legal elements of RICO were conceived/developed/implemented over four centuries ago and became codified in the 1970s. Racial profiling/targeting and discrimination against particular groups for the purpose of profit have remained a constant, and the ration d'etre for the insurance industry is purely profit, while that of medicine is altruistic. Not too many physicians are disposed in the art of war, while the insurance industry views war as a progenitor of fear, a fear they exploit in their commercialization of risk. The insurance industry is arguably humanity's largest ever racket.

In 2021, the tools of torture used by Defendants Allstate/Geico (insurance industry) are those of the courts/lawyers/prosecutors/loss of livelihood/incarceration/false convictions/false imprisonment/media defamation/harassment of physicians families/children/a global public humiliation over the internet. No longer is it iron cuffs in crowded slave ships, suffocating trains destined for work camps or summary executions. The methods of extermination have become bureaucratized, sterile and conducted under 'color of state', with the apparent legitimacy of state medical boards, state/federal judges/courts/prosecutors and a corporate media only too willing to knowingly perpetuate the crimes of the insurance industry. False claims of insurance fraud, alleged over-prescribing of opiate medications, sting operations to entrap unsuspecting physicians in compromising sexual situations, are just some of the

excuses/pre-texts used to exterminate physicians, in order to increase corporate/executive profit through reducing the number of so called "healthcare providers" and thus the total amount of health insurance premiums spent on healthcare. In essence, eliminate the physicians and the patients, and divert a greater percentage of the public's health insurance premiums to the executives/corporate coffers of Defendants Allstate/Geico.

In 2021, the cost to American society is evident in:

1. The excessive COVID-19 related mortality/morbidity in the US.
2. The so-called "opiate epidemic", from which the insurance industry has profited. Deaths from opiate overdosing are due to street-grade heroin, laced with fentanyl, and not prescription opiates. From 2006 to the present the number of medications dispensed has dropped by almost fifty-percent (50%), resulting in billions of profits for the insurance industry, as it spends less on medications, while continuing to raise the cost of health insurance premiums.
3. The **"pain epidemic"** as millions of Americans with chronic pain have been denied access to life-saving care, with many committing suicide.
4. The epidemic of physician suicides, as the insurance industry orders state/federal regulatory/investigatory/prosecutorial/judicial collaborators to suspend/revoke physicians licenses and or incarcerate them.

To assist the comprehension of all parties in the clarification of the Nazi-Insurance Industry analogy of the aforementioned axis, one of evil; please find below a table that Kaul respectfully asserts, any jury/public would immediately understand:

The Slaving-Nazi-Insurance Axis ("SNI")	The FSMB/SMB-State/Federal Investigative/Prosecutorial-Insurance (Corporation) Axis ("FSI") Identified within **The Kaul Cases** are the equivalent SNI parties/perpetrators.
The British Crown/Government/Royal African Company/Lloyd's of London-Insurance Industry/British Courts.	Defendant Federation of State Medical Boards/State Medical Boards. Defendants Allstate/Geico Defendants AHS/HUMC Defendant State of New Jersey Defendant NJ Department of Banking and Insurance. Defendant NJ Office of the Insurance Fraud Prosecutor

	Defendant District of New Jersey (K11-1-DNJ-N) Defendant Judges in K11-3 (U.S.D.C. for the Northern District of Illinois)
The Yorke-Talbot Slavery Opinion	The NJ IFPA (17:33A) + 21 U.S.C. (Abuse of Congressional Intent) + CDC Guideline for Prescribing Opioids for Chronic Pain (Abuse of recommendations)
The German Government/Nazi Party	Defendant State of New Jersey.
Senior Public Prosecutor - Paul Barnickel	Office of the NJ Attorney General
Chief of the Civil Law and Procedure Division of the Reich Ministry of Justice; and Oberführer in the SS - Josef Allstoter	The NJ Attorney General - Jeffrey Chiesa/Doreen Hafner
Chief Justice of the Special Court - Hermann Cuhorst	Defendant Jay Howard Solomon Defendant Jose Linares Defendant Kenneth J. Grispin

Legal Adviser to the Reich Minister - Guenther Joel	Defendant Eric Kanefsky, Esq
Chief Justice of the Fourth Senate of the People's Court - Guenther Nebelung	Defendant Chief Judge Fred Wolfson, Esq
Senior Public Prosecutor - David Puteska, Esq	

Consulting physician to the Luftwaffe - Wilhelm Beiglblock	Defendant Andrew Gregory Kaufman, MD
Chief Physician to Hitler/SS/Reich - Karl Brandt	Defendant Scott Metzger, MD
Chief Surgeon of the Staff of the Reich Physician SS - Karl Gebhardt	Defendant Gregory Przybylski, MD
Chief Surgeon of the Surgical Clinic in Berlin - Paul Rostock	Defendant Robert Francis Heary, MD
Der Fuhrer- Adolf Hitler	Defendant Christopher J. Christie, Esq

Friedrich Flick - The CEO of the "Flick Concern" (business conglomerate - finance/mining and financier/briber of the Nazi Party	Defendant Richard Crist Defendant Allstate Defendant Geico Defendant TD
Farben - Business conglomerate that included the insurance/finance industry, that financed the Nazi Party/German State and the initial funding for concentration camps.	Defendant Allstate Defendant Geico Defendant TD Defendant Northern Trust Defendant Boston Partners
Those exterminated/enslaved/subjected to summary justice/denied justice/imprisoned/stripped of their livelihood/publicly humiliated/deprived of their property/liberty/life without due process - Men, women and children belonging to the following groups: Africans/Jews/Russians/Poles/Patients with disabilities/Political dissenters/Those who refused to submit/fought Nazi oppression.	Plaintiff Kaul/his family/his patients Plaintiff Feldman/his family/his patients Plaintiff Patel/his family/patients treated in his healthcare facility. The American public - increased insurance premiums. The American pain patient population - decreased access to most effective forms of pain relieving healthcare (surgical/non-surgical). The American medical profession - Increased suicide/loss of livelihood/loss of liberty/loss of property.
Otto Ambros - Chief of Chemical Warfare	Defendant Christopher J. Christie, Esq
August Von Knieriem - Chief Counsel of Farben	David D'Aloia, Esq - Counsel for Defendant Allstate

The Blacks:

The insurance industry (corporations) was born in the 1600's and is the progeny of Llyod's of London. It initially gripped humanity in its cold ruthless clutches by attaching itself to the booming trans-Atlantic slaving industry, at the helm of which, at that time, were the British. They would later claim to be the originators of abolition, a calculated political move whose true purpose was not altruistic, but one of commercial colonial opportunism, as it provided them legal parliamentary cover to seize the slave ships belonging to their colonial competitors, the French, Dutch and Portuguese. Meanwhile the British continued to plunder, rape and pillage Indian, Africa and China, the latter a country it flooded with opium from the poppy-fields of the north-werstern frontier in

Afghanisthan/Kashmir. The Chinese were incapicitated by the opium, the Indians were forced into indentured servitude, along with the Africans.

The Jews:

Towards the ostensible fall of the British Empire, the global insurance industry, still orchestrated by and through Lloyd's of London, continued its inexorable and genocidal expansion by conspiring/colluding and furthering in an ongoing "pattern of racketeering" that commenced with the slaving industry. The RICO predicate acts of murder, extortion, conspiracy and human trafficking were perpetrated by the Nazi War Machine, on millions of Jews, Russians, Poles and people with physical and psychological handicaps, through multiple association-in-fact enterprises that included Nazi courts, Nazi Judges, The Nazi Justice Ministry, The Nazi Medical Boards/Medical Profession, Nazi Politicians, Nazi Prosecutors/Lawyers, German Industry and the insurance industry. Multiple RICO schemes were perpetrated through, by and with the political, medical, legal and business elements of the Nazi's genocidal machine, in collusion/conspiracy with the insurance industry. The purpose of the Nazi-Insurance Association-In-Fact Enterprise was to further the political/economic agendas of the scheme's orchestrators/perpertrators/aiders/abettors/abstentiors of willful ignorance. The insurance industry, having developed its model of using the ostensibly legitimate cover of legal/judicial/political authority with the slaving industry, simply employed the same tactics/strategy on those enslaved/imprisoned/murdered in the years from 1939 to 1945. The insurance industry continued its "pattern of continuity" of murder/exploitation/false imprisonment/abuse of legal process/political corruption/judicial corruption/bribery/extortion/kickbacks/racial profiling and discinimation against the mentally/physicial infirm.

The Indians:

The Allied Forces (American/British) conducted the investigation/prosecution of the crimes against humanity that were committed in the period from 1939 to 1945. The trials at Nuremberg (1945 to 1947) resulted in the criminal convictions of hundreds of senior/high ranking judges/lawyers/physicians/business/insurance executives/politicians, individuals who had assisted Adolph Hitler in his conversion of the State of Germany into a massive, murderous "racketeering enterprise", purposed to further the economic/political agendas of The Third Reich. The insurance industry, of which Defendants Allstate/Geico are members, profited from the aforementioned schemes, and the progeny of those profits continue to be laundered through Defendants Allstate/Geico. However, what remains irrefutable is the fact that the tactics/strategy/"patterns of racketeering" legally codified by the insurance industry

continue to be employed today against Indian physicians/so called "healthcare providers"/ chronic pain patients and those with health conditions that require long-term ongoing care, those with mental/physical infirmities.

The atrocities/crimes (murder/manslaughter/enslavement/economic servitude/human trafficking/imprisonment) against humanity of the slaving industry/the holocaust/the targeted extermination of the infirm/specific racial groups continues to be perpetrated today in the United States by the insurance industry against ethnic minorities, occupied principally by immigrants/Indians/Hispnics/Blacks. The insurance industry, as it has done since the 1600s has targeted racial groups, ones its considers the weakest, and now in 2021 in America, land of the free, home of the brave, there are over two (2) million citizens incarcerated in prisons/work camps/concentration camps (another British invention), and an unprecedented number of physicians, the majority of whom are Indian.

The insurance industry's most recent scheme against Indian physicians has and is being conducted in collusion/conspiracy with the American equivalent of the Nazi judiciary/body politic/medical profession, with the overall purpose of economic/political advantage. The Allied Forces/Prosecutors (American/British) were unwitting conduits for the transmission of information regarding the construction/perpetration of elaborate, well concealed "racketeering schemes" that, as with **The Kaul Cases** Defendants did convert a state (Germany: 1939 to 1945 - New Jersey: circa. 1960 to the present) into "racketeering enterprises" through, by and which the insurance industry profited by collusion/conspiracy with worlds of medicine/business/politics.

The Kaul Cases, and there will be further international tribunal/examination, are, without overstating their relevance, the most equivalent legal vehicle thus far in American legal history, that in any manner mimics The Nuremberg Trials. The German public and the world remained ignorant to the atrocities of the Nazi legal/political/medical/judicial/business machine, until the crimes were exposed in these trials. Similarly, the insurance industry propaganda machine has concealed from the American public its **"War on Doctors"** and patients with chronic illnesses. It has concealed its pervasive corruption of the judiciary and crooked physicians willing to provide false testimony against physicians to whom the insurance industry owes money, in order to have these physicians (mostly Indians) eliminated through incarceration/loss of livelihood/license suspension/revocation/suicide/social ostracization/professioinal ostracization. No different to the strategies employed by Slaving-Nazi-Insurance Axis.

Humanity existed for thousands of years before insurance. Insurance is nothing but legalized extortion, and humanity will prosper for thousands of years after the insurance

industry has been eliminated. Bitcoin is doing the same thing to the banking cartels, another British institution. Lest no one forget, it was the **"money-lenders"** who were evicted from the temple.

Dated: February 20, 2021

Richard Arjun Kaul, MD

Exhibit 21

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:18-cr-20454

HONORABLE STEPHEN J. MURPHY, III

v.

LESLY POMPY,

Defendant.
_____/

VERDICT FORM

We, the jury, unanimously find the following:

COUNT ONE
Unlawful Distribution of Controlled Substances
Patient J.St., Hydrocodone bitartrate-acetaminophen (Norco), May 9, 2016

__X__ Not Guilty _____ Guilty

COUNT TWO
Unlawful Distribution of Controlled Substances
Patient J.St., Hydrocodone bitartrate-acetaminophen (Norco), May 17, 2016

__X__ Not Guilty _____ Guilty

COUNT THREE
Unlawful Distribution of Controlled Substances
Patient R.B., Fentanyl (Subsys), March 31, 2016

__X__ Not Guilty _____ Guilty

COUNT FOUR
Unlawful Distribution of Controlled Substances
Patient R.B., Morphine sulfate (MS Contin), September 12, 2016

X Not Guilty _____ Guilty

COUNT FIVE

Unlawful Distribution of Controlled Substances

Patient T.L., Oxycodone HCL-acetaminophen (Percocet), September 12, 2016

X Not Guilty _____ Guilty

COUNT SIX

Unlawful Distribution of Controlled Substances

Patient D.K, Hydrocodone-acetaminophen (Norco), June 2, 2016

X Not Guilty _____ Guilty

COUNT SEVEN

Unlawful Distribution of Controlled Substances

Patient D.K., Dextroamp-amphetamine (Adderall), June 2, 2016

X Not Guilty _____ Guilty

COUNT EIGHT

Unlawful Distribution of Controlled Substances

Patient S.S., Oxycodone-acetaminophen (Percocet), March 21, 2016

X Not Guilty _____ Guilty

COUNT NINE

Unlawful Distribution of Controlled Substances

Patient S.S., Methadone, March 21, 2016

X Not Guilty _____ Guilty

COUNT TEN

Unlawful Distribution of Controlled Substances

Patient S.S., Morphine Sulfate, March 21, 2016

X Not Guilty _____ Guilty

COUNT ELEVEN

Unlawful Distribution of Controlled Substances

Patient S.S., Oxymorphone HCL (Opana), March 21, 2016

X Not Guilty _____ Guilty

COUNT TWELVE

Unlawful Distribution of Controlled Substances

Patient S.S., Tramadol (Ultram), March 21, 2016

X Not Guilty _____ Guilty

COUNT THIRTEEN

Unlawful Distribution of Controlled Substances

Patient F.E., Buprenorphine/Naloxone (Zubsolv), March 28, 2016

X Not Guilty _____ Guilty

COUNT FOURTEEN

Unlawful Distribution of Controlled Substances

Patient F.E., Oxycodone HCL-acetaminophen (Percocet), March 28, 2016

X Not Guilty _____ Guilty

COUNT FIFTEEN

Unlawful Distribution of Controlled Substances

Patient R.O., Oxycodone HCL-acetaminophen (Percocet), May 16, 2016

X Not Guilty _____ Guilty

COUNT SIXTEEN

Unlawful Distribution of Controlled Substances

Patient R.O., Oxycodone HCL-acetaminophen (Percocet), May 24, 2016

X Not Guilty _____ Guilty

COUNT SEVENTEEN

Unlawful Distribution of the Controlled Substance

Patient L.K., Tapentadol (Nucynta), August 25, 2016

X Not Guilty _____ Guilty

COUNT EIGHTEEN
Unlawful Distribution of the Controlled Substance
Patient L.K., Methadone, August 25, 2016

__X__ Not Guilty _____ Guilty

COUNT NINETEEN
Unlawful Distribution of the Controlled Substance
Patient G.T., Morphine Sulfate (MS Contin), September 22, 2016

__X__ Not Guilty _____ Guilty

COUNT TWENTY
Unlawful Distribution of the Controlled Substance
Patient G.T., Methadone, September 22, 2016

__X__ Not Guilty _____ Guilty

COUNT TWENTY-ONE
Unlawful Distribution of the Controlled Substance
Patient J.Sh., Oxycodone HCL-acetaminophen (Percocet), April 12, 2016

__X__ Not Guilty _____ Guilty

COUNT TWENTY-TWO
Unlawful Distribution of the Controlled Substance
Patient J.Sh., Methadone HCL, April 12, 2016

__X__ Not Guilty _____ Guilty

COUNT TWENTY-THREE
Health Care Fraud
Patient J.St., Office Visit 99213, May 9, 2016

__X__ Not Guilty _____ Guilty

COUNT TWENTY-FOUR
Health Care Fraud
Patient J.St., Drug Test G0483, May 9, 2016

X Not Guilty _____ Guilty

COUNT TWENTY-FIVE
Health Care Fraud
Patient J.St., Office Visit 99213, May 17, 2016

X Not Guilty _____ Guilty

COUNT TWENTY-SEVEN
Health Care Fraud
Patient D.K., Office Visit 99213, June 2, 2016

X Not Guilty _____ Guilty

COUNT TWENTY-EIGHT
Health Care Fraud
Patient T.L.., Office Visit 99213, September 12, 2016

X Not Guilty _____ Guilty

COUNT TWENTY-NINE
Health Care Fraud
Patient S.S., Office Visit 99213, March 21, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-TWO
Health Care Fraud
Patient K.R., Office Visit 99215, May 26, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-THREE
Health Care Fraud
Patient M.B., Office Visit 99213, May 26, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-FIVE
Health Care Fraud
Patient K.R., Office Visit 99215, September 12, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-SIX
Health Care Fraud
Patient B.L., Office Visit 99215, September 12, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-SEVEN
Health Care Fraud
Patient K.R., Office Visit 99215, January 18, 2016

X Not Guilty _____ Guilty

COUNT THIRTY-EIGHT
Maintaining Drug-Involved Premises, 730 North Macomb, Suite 222, Monroe, MI

X Not Guilty _____ Guilty

s/Jury Foreperson

Date: 1/4/23

In compliance with the Privacy Policy Adopted by the Judicial Conference, the verdict form with the original signature has been filed under seal.

Exhibit 22

Evidence + Related Cases

5. UNITED STATES OF AMERICA v. LESLY POMPY: 18-cr-20454 – UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF MICHIGAN: Dr. Pompy was criminally charged on June 26, 2016, with a thirty-seven (37) count indictment in which he was accused of allegedly having dispensed opiates and other commonly prescribed pain reducing medications on certain dates to approximately fifteen (15) patients in 2016. Dr. Pompy, who had been in practice for over thirty (30) years was the largest provider of pain management services in his county, and had successfully treated tens of thousands of patients. The criminal trial commenced on November 28, 2022, and concluded on January 4, 2023, with an acquittal by the jury on all thirty-seven (37) counts. The trial resulted in the production by a BCBS investigator of testimony highly to the insurance company's **"ongoing pattern of racketeering",** in which with it, with its state-co-conspirators, has perpetrated through and under state-cover hundreds of RICO predicate acts, that include wire fraud/entrapment/evidence tampering/falsification medical records/issuance of fraudulent of state driving licenses by state police/subornation re production of fraudulent medical documents by physician employees of Defendant BCBS/formalization and education at special undercover training units for BCBS investigators of tactics of entrapment and their subsequent propagation against physicians.

On December 2/3, 2022, testimony was provided by Mr. James Stewart Howell, a person who after having retired from the police force, was hired and trained by BCBS to conduct undercover operations, targeting principally ethnic minority/foreign trained physicians whom BCBS wanted eliminated (license revocation/incarceration/suicide/death) in order to eradicate their debt to the physician, and eliminate the competitive threat posed by their continued practice in the relevant healthcare market.

Excerpts of Mr. Howell's testimony are included below, and the entire two (2) day transcript is enclosed (**Exhibit 3** December 1, 2022 – Direct Examination) (**Exhibit 4** December 2, 2022 – Direct + Cross Examination):

Conspiracy to commit fraud

BY MR. CHAPMAN – Page 99 Line 11-25 (Howell defense cross examination) **(Exhibit 4):**

Q. All right. So, let's start with January 5th. Your goal is to go into Dr. Pompy's office and see if you can get seen? A. Yes, sir.
Q. You were told by the front desk that you need to have a referral for pain management?
A. That's correct.
Q. You go to Blue Cross Blue Shield and say, "He won't see me without a referral," right?
A. Right.
Q. They set you up with Dr. Robertson?
A. Yeah.
Q. Now, you understand how the referral system of medicine works, right? Doctors refer patients to other doctors when they're not able to help that specific issue?
A. It -- I -- yeah, I understand the basic sense of that, but ...

Evidential Falsification/Tampering with medical records/Wire fraud

BY MR. CHAPMAN - Page 101 Lines 1-25 + Page 102 Lines 1-25 + Page 3 Lines 1-17 (Howell defense cross examination) (**Exhibit 4**):

MR. CHAPMAN –Government Exhibit on page 7, Government Exhibit 1, page 7?
MS. OUELETTE: Is that page 7?
MR. CHAPMAN: Yes, please.
BY MR. CHAPMAN:
Q So I think you were correct that the – the other documents said back and nerve problems, but here we have a prescription, right?
A. Yes.
Q. And this is from Dr. Robertson?
A. It is, yes.
Q. And it says for pain management, right?
A. Yep, it just says the words "pain management."
Q. And that's Dr. Robertson's signature?
A. Yes.
Q. Now, that was dated December 10th, 2015, correct?
A. It was.
Q. You had Dr. Robertson backdate this referral to make it look like it was made before you showed up on January 5th?
A. I -- I don't recall the -- the timeline of that being signed or dated.
Q. Mr. Howell, there must have been some discussion about this. This is a medical record, right?
A. It is.
Q. You're aware that falsification of a medical record is a felony in the State of Michigan?
A. It is, yeah.
Q. Did you have any special authorization to commit a felony in the State of Michigan, to create that false medical record?
A. No, my intent was -- no intent to commit a felony. My intent was to further the investigation and get a pain management referral. There was no --
Q. The question was did you have any special permission to commit a felony in the State of Michigan and alter a medical record?
A. I – I didn't alter that document.
Q. You had Dr. Robertson do that, right?
A. He wrote that pain management referral. I didn't write it.
Q. Was your conversation with Dr. Robertson to receive pain management on December 5th or was it after January -- on December 10th or was it after January 5th?
A. It was after January 5th.
Q. That date's false?
A. That date's false. I talked to him after January 5th, 2016.
Q. The need for pain management is also false?
A. Right.
Q. Okay.

A. It's -- yeah.
Q. Did you talk to any health care professionals about whether getting a referral for pain management would give a doctor an indication that you have a legitimate medical injury?
A. No. Just I talked to Dr. Robertson about this referral. It's -- didn't go anywhere else.
Q. Did you talk to Blue Cross Blue Shield about this referral?
A. I think my manager knew I did this, yeah.
Q. Your manager said it was, okay?
A. Yeah.
Q. Did you have Dr. Robertson date that referral on December 10th or did he just do that himself?
A. I don't remember any discussion about what the date was. Q. So it just magically happened to be backdated to before you ever stepped foot in Dr. Pompy's office?
A. I didn't say that.
Q. Okay.

Evidential Falsification/Tampering with medical records/Wire fraud/Entrapment/Conspiracy to commit fraud
BY MR. CHAPMAN - Page 143 Line 7-20 + Page 144 Line 1-25 (Howell defense cross examination) **(Exhibit 4):**

Q. In fact, during the entire time you saw Dr. Pompy, there are many of those tests that you didn't complete?
A. Many of them that I did not do, that's correct.
Q. You informed his office staff that insurance wouldn't cover it?
A. The discussion about what was not covered was in regard to an MRI, which is expensive.
Q. Was it true that Blue Cross Blue Shield wouldn't cover the test that was ordered by Dr. Pompy?
A. I don't know if it would have been or not. I didn't discuss it with anyone really.
Q. Just like you did with the X-ray, you had the ability to go to Dr. Robertson and falsify another MRI study, right?
A. I -- sure, I guess I could have ...

A. He would have probably assisted like he did on the other one.
Q. Because he's willing to falsify medical records for you, right?
A. He's willing to assist me.
Q. Okay. But you didn't do that, you didn't present a normal MRI. You said, "My insurance won't cover it."
A. I did, yep.
Q. Because you were concerned that if you came into that office with a normal MRI, Dr. Pompy would say, "I don't see anything wrong with you."
A. Yeah, I just did not want to -- didn't want to get an MRI and bring it in there or falsify one.
Q. Then that's the end of the operation, right?
A. I don't --
Q. You don't get your man?

A. I don't think so.
Q. Okay. Same thing with the referral. You don't falsify that referral to get into Dr. Pompy's office, that's the end of the operation?
A. Yeah, if you didn't come up with a pain management referral, I don't think they would accept you there.
Q. The only reason you got treated by Dr. Pompy was because you were willing to go so far as to falsify medical records to get in?

Evidential falsification/Diversion drugs by undercover agent
BY MR. CHAPMAN - Page 157 Line 17-25 + Page 158 Line 1-25 + Page 159 Line 1-25 + Page 160 Line 1-25 + Page 161 Line 1-7 (Howell defense cross examination) **(Exhibit 4)**:

Q. Now, during that April 26th visit, you also tested positive in a point of care cup for benzodiazepines, isn't that, right?
A. I don't think that's right. I don't think there was a point of care test.
MR. CHAPMAN: Can we take a look at Government's 1, page 59? Can you blow up the box where it says
"Benzodiazepines"?
BY MR. CHAPMAN:
Q. You see a positive for benzodiazepine, sir?
A. I see that.
Q. Okay. And this is an indication that the point of care cup that you dropped a sample in showed positive for benzodiazepines?
A. If you could back that out so I can see -- I don't -- I don't recall that saying point of care above that.
Q. We can do that.
You're aware from reviewing these tests that if there's a confirmation study, usually it shows the metabolite levels in the urine?
A. I have seen that, yes.
Q. And if it's a point of care cup, it's usually filled out by hand?
A. Usually, yeah, 'cuz it's done on the spot.
Q. Somebody's trying to interpret that test?
A. Right.
Q. And you're aware from your knowledge as an investigator that these point of care cups can be very inaccurate?
A. I can't really talk about the accuracy of those. I -- I don't know the -- the total -- the accuracy of them.
Q. After you had a positive test for barbiturates and also benzodiazepines, did you think that these tests are accurate?
A. Those particular ones are not, no.
Q. Okay. So, in your experience there's inaccuracies?
A. Oh -- on -- yeah, on this case for sure there's inaccuracies.
Q. You also went over --
MR. CHAPMAN: And we can take that down. Thank you. BY MR. CHAPMAN:

Q. -- a positive barbiturate test from your urine sample, I believe it was from March 22nd, right?
A. That's correct.
Q. And you were informed of those results on April 26th?
A. That's right.
Q. Over a month later?
A. Yes.
Q. Okay. At that point you hadn't received any medications from Dr. Pompy?
A. Right. At the time they were discussing the results of the test I had not been prescribed any medication.
Q. So --
A. Is that what you're asking?
Q. Yes.
A. Okay.
Q. I don't mean to be redundant, but you dropped a sample on March 22nd, you learn of the results on April 26th?
A. That's correct, yes.
Q. You also mentioned that at that time, within 48 hours you went to Blue Cross and got your own test done?
A. I did.
Q. Had you taken a barbiturate, that would have been long gone from your system a month later, right?
A. I don't know.
Q. I imagine the positive test caused quite a stir at Blue Cross Blue Shield?
A. I -- it had me pretty upset but I don't know about causing a stir. I -- I definitely thought it was important to address it immediately.
Q. Without going over the whole thing, that same day, 4-26-26, you filled out a pre-visit questionnaire?
A. Yes.
Q. You again said your pain began ten years ago?
A. I believe so, yes.
Q. You said it was a level 5?
A. Yes.
Q. You said it stayed the same and is continuous?
A. Yeah. I kept indicating stiffness and circling 5s and continuous and --
Q. You said it was -- I'm sorry I cut you off. You said it was worse in the morning?
A. Yeah.
Q. You said you were using physical therapy to cope?
A. Yes.
Q. You did not indicate any other new symptoms?
A. Correct.
Q. And then you also indicated that you were taking Xanax at that time, right?
A. I did, yes.
Q. But that was a false statement because you weren't prescribed any Xanax?
A. That's true.

Conspiracy to entrap and illegal concealment/non-contractual disclosure from public of health premium fund diversion to 'Blues Academy'
BY MR. LIEVENSE – Page 8 Line 3-25 (Howell direct examination) (**Exhibit 3**):

Q. And what type of in-house training did they provide you? A. We did a training as far as we did a -- like a -- we called it a Blues Academy which -- which covered an entire range of health care investigations. We talked about undercover activities and things like that.
Q. Did you also have to learn how to become familiar with like Blue Cross Blue Shield data and information?
A. Yes.
Q. At some point did you become an accredited health care fraud investigator?
A. Yes.
Q. Is that a program -- was that a program kind of outside of Blue Cross training?
A. Yes.
Q. And what -- what -- what did that training entail?
A. That is -- to be an accredited health care fraud investigator, you had to be a member of the NHCAA, which is National Health Care Antifraud Association, and then you have to have five years' experience doing health care investigations, and then you also had to pass 150-question test to be -- to get that certification.

Conspiracy with state to commit fraud/issue fraudulent official documents
BY MR. LIEVENSE – Page 14 Line 11-25 (Howell direct examination) (**Exhibit 3**):

Q. Now, do you use your normal driver's license that's issued by the Secretary of State that you've had since you turned 16 years old?
A. No.
Q. All right. Do you -- are you able to get an undercover driver's license?
A. Yes.
Q. Now, how do you go about getting one of those?
A. There's a process we go through. I would -- I submit it to my manager and then it goes to the Michigan State Police, from there to the Secretary of State of Michigan.
Q. And so when you want to get an undercover driver's license, do you have to go to a special location, or do you just go to the local Secretary of State?
A. Both ...

Conspiracy with state to commit fraud/issue fraudulent official documents
BY MR. LIEVENSE – Page 16 Line 4-15 (Howell direct examination) (**Exhibit 3**):

Q. And would you need an insurance card that matched your undercover driver's license?
A. Yes.
Q. And so once you received an undercover driver's license from the State of Michigan, what would you need to do to get an undercover insurance card?

A. Submit -- submit a form under that same name to someone who reviews it and then they actually get a physical, actual plastic card made.
Q. And why do you use an undercover driver's license and undercover Blue Cross Blue Shield insurance card instead of your personal ones?

Conspiracy with state in furtherance of schemes of fraud and entrapment/unaccounted for diversion of prescription drugs
BY MR. LIEVENSE – Page 45 Line 7-23 (Howell direct examination) (**Exhibit 4**):

Q. Like to show you Government's Exhibit 1A.
After you received the prescription from Dr. Pompy on April -- the two prescriptions on April -- well, the Norco and the Lyrica prescriptions on April 26th, what did you do with them?
A. I went and filled them, and I was with the Michigan State Police and turned them over to them.
Q. So you first went to a pharmacy?
A. That's correct.
Q. And you filled the prescription?
A. Yep.
Q. And then once you got the prescription and the pills, what did you do?
A. Turned them over to them immediately, had them count them just to make sure.
Q. By them, you said it was the Michigan State Police?
A. Yes.

6. NEIL ANAND v. INDEPENDENCE BLUE CROSS: 20-cv-062456 – UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA: Dr. Neil Anand, an Indian origin Pennsylvania based interventional pain physician, who established a highly successful interventional pain practice, was indicted by the US Government in 2019, on almost exactly the same charges as those levied against Dr. Pompy and many other ethnic minority physicians. In these cases, there is either no evidence or fraudulent 'evidence', and most charged physicians plead guilty, even though they know they are not guilty, but they are unable to fund a defense, as their assets are illegally seized. Dr. Anand attended D. Pompy's trial on every day. In late 2020, Dr. Anand, having calculated that Defendant Independence BCBS had conspired with state/federal investigative/prosecutorial/adjudicative agencies to manufacture the indictment against him, did then initiate a civil suit against BCBS. However, his efforts to prosecute the case and procure further evidence was obstructed by Defendant BCBS, and the case was eventually dismissed. Dr. Anand appealed to the Third Circuit Court of Appeals, and on June 29, 2021, the Appellate Court remanded the case to the district court (**Exhibit 5**). Consequent to the January 4, 2023, widely publicized acquittal of Dr. Pompy, the district court in Dr. Anand's case dismissed Defendant Independent BCBS's motion to dismiss, and ordered it to answer the claims (**Exhibit 6**). The lower court's decision was also based on argument/fact/law submitted by Dr. Anand in his January 4, 2023, responsive brief to Defendant motion to dismiss (**Exhibit 7**), in which he submits binding case law, in which the United States District Court has conclusively found that BCBS is a recalcitrant and chronic antitrust violator. BCBS's **"patterns"** of ongoing misconduct commenced against Kaul in 2005/2006, but were concealed from Kaul until

recently, who only came into their possession as a consequence of Dr. Anand's extensive state/federal Freedom of Information (FOI) requests in 2022 that exposed the Defendants' so called 'Health Fraud Partnership'. Dr. Anand's evidence was conclusively corroborated during Dr. Pompy's trial and acquittal. A jury of twelve (12) people believed that there does indeed exist a **"vast conspiracy"** between government agencies and private/corporate interests, that targets successful ethnic minority physicians. The referenced section of Anand's January 4, 2023, submission is:

"Plaintiff [ANAND] Has A Valid Sherman and Clayton Act Anti-trust Claim.
The monopolistic and price fixing activity of the Blue Cross Blue Shield Companies is of common public awareness due to its recent antitrust settlement, arising from a class action antitrust lawsuit called In re: Blue Cross Blue Shield Antitrust Litigation MDL 2406, which was reached on behalf of individuals and companies that purchased or received health insurance provided or administered by a Blue Cross Blue Shield company. The Class Representatives reached a Settlement on October 16, 2020, with the Blue Cross Blue Shield Association and settling Individual Blue Plans that knowingly violated antitrust laws by entering into an agreement not to compete with each other and to limit competition among themselves in selling health insurance and administrative services for health insurance. See https://www.bcbssettlement.com/. Pursuant to collateral estoppel, the restraint of trade by Blue Cross Blue Shield Association and its franchisees has been determined under In re Blue Cross Blue Shield Antitrust Litig., FINAL ORDER, Master File No.: 2:13-CV-20000-RDP (MDL NO.: 2406) (N.D. Ala. 2018). The FINAL ORDER provides on Pages 1-2: "This litigation began more than nine years ago and involves the consolidation of a number of actions filed by Subscriber Plaintiffs against the Blue Cross and Blue Shield Association ("BCBSA") and its Member Plans (the "Member Plans" or "Blue Plans") (collectively, "Defendants" or "Blues"). Subscriber Plaintiffs allege, among other things, that Defendants violated Sections 1, 2, and 3 of the Sherman Antitrust Act, 15 U.S.C. §§ 1-3, by entering into an unlawful agreement that restrained competition between them in the markets for selling health insurance and the administration of Commercial Health Benefit Products in the United States and its territories. Subscriber Plaintiffs contend that the Blues: (1) allocated geographic territories; (2) limited the Member Plans from competing against each other, even when not using a Blue name, by mandating a minimum percentage of business that each Member Plan must do under that name, both inside and outside each Member Plan's territory; (3) restricted the right of any Member Plan to be sold to a company that is not a member of BCBSA; and (4) further agreed to other ancillary restraints on competition. (Doc. # 1082).
IBC is utilizing its monopoly market power to increase insurance premium prices and deductibles for its Members negatively. IBC and its "most favored" groups of health providers through Facilitated Health Networks (FHN), engage in anticompetitive conducts, i.e. price fixing, geographic market division, and group boycott (attack of non-white physicians prescribing controlled substances) which are causing market injury to individual physicians and small groups and are illegal per se. IBC in their own public announcements claim they are the largest and leading health insurer in Philadelphia (supported by USDOJ findings supra), and is utilizing its monopsony market power by substantially controlling physician treatment plans and reducing physician fee schedules, as IBC is the major purchaser of health services

offered by Philadelphia physicians. The per se rule is violated here, "by a price restraint that tends to provide the same economic rewards to all practitioners regardless of their skill, experience, training, or willingness to employ innovative and difficult procedures in individual cases. Such a restraint may also discourage entry into the market, and may deter experimentation and new developments by individual entrepreneurs". quoting P.457 U. S. 348 Arizona v. Maricopa County Med. Soc'y, 457 U.S. 332 (1982); and Group Life & Health Ins. Co. v. Royal Drug Co., Inc., 440 U.S. 205 (1979). Anand's Complaint's Claims, distinguishes between "restraints with an anticompetitive"

In this case, K11-11, the question of whether the Defendants can raise any defenses to Kaul's antitrust claims has been affirmatively answered in In re Blue Cross Blue Shield Antitrust Litig., FINAL ORDER, Master File No.: 2:13-CV-20000-RDP (MDL NO.: 2406) (N.D. Ala. 2018), and it is no; the law has foreclosed the Defendants, and thus the law permits Kaul to move for Summary Judgment.

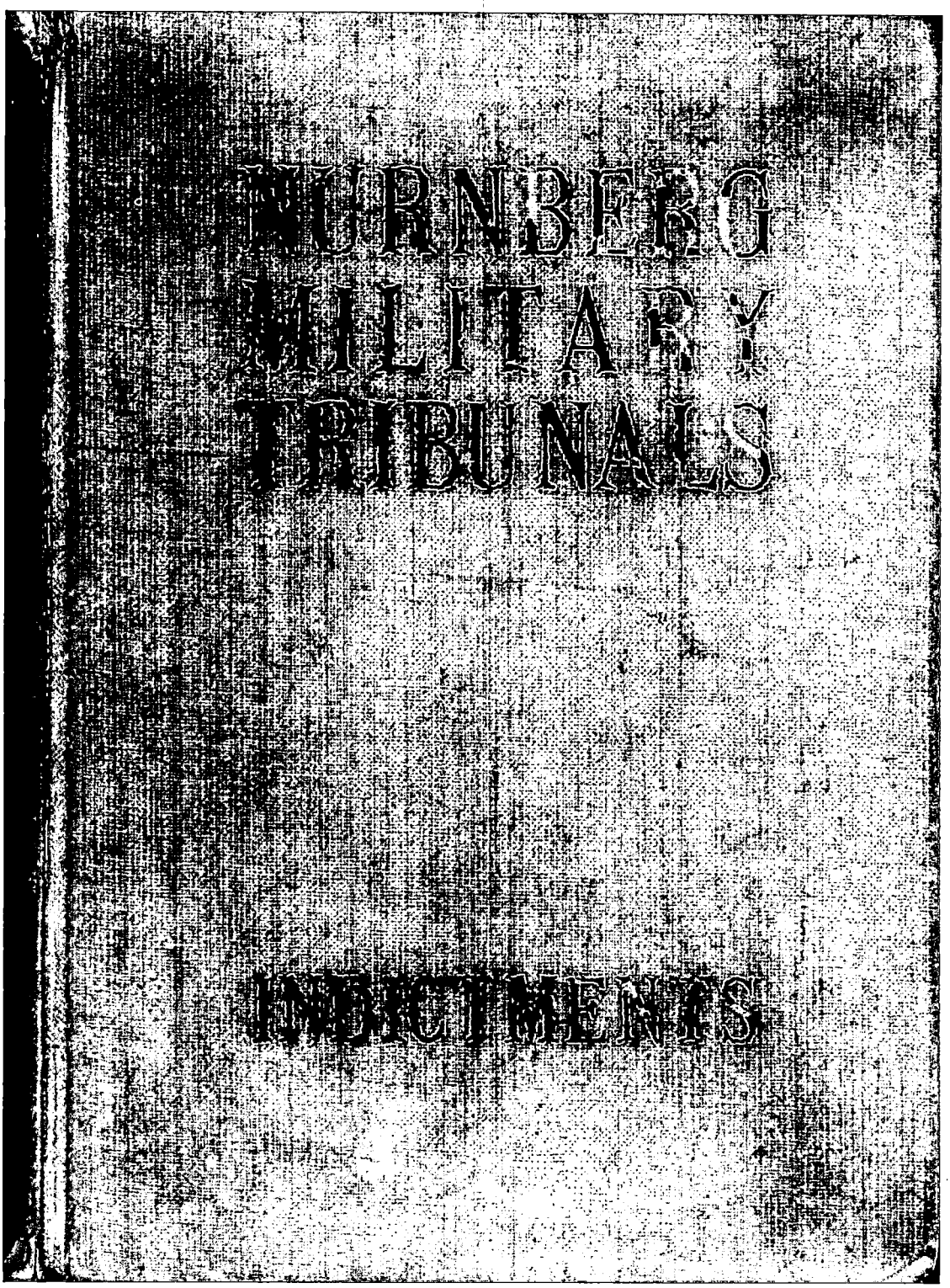
Dr. Anand's September 9, 2021, 3rd Amended Complaint painstakingly details the method, that has been, and continues to be uniformly utilized across the country by BCBS against principally ethnic minority physicians, in what is effectively a bureaucratic scheme of 'slave-like' labor and ethnic cleansing, perpetrated through the American courts and jails (**Exhibit 8**):

"IBC and its employees engaged in racial discrimination against Anand and other Philadelphia and Pennsylvania physicians because of their race, heritage, skin color or religion"

"to its recent antitrust settlement, arising from a class action antitrust lawsuit called In re: Blue Cross Blue Shield Antitrust Litigation MDL 2406, N.D. Ala. Master File No. 2:13-cv-20000-RDP, which was reached on behalf of individuals and companies that purchased or received health insurance provided or administered by a Blue Cross Blue Shield company."

"IBC uses its "police power" via the Health Care Fraud Prevention Partnership to induce criminal proceedings against other physicians through coordination with OIG, FBI, and USDOJ which causes a chilling effect of proper medical treatments of patients."

7. ANAND STATE/FEDERAL FOI REQUESTS: In a period commencing in or around late early 2021, Dr. Anand began submitting FOI requests to state/federal governmental agencies, that sought, amongst other things, any and all information pertaining/relevant to any agreements/contracts/communications between the insurance industry and the government regarding conspiracies as to what Dr. Anand was ultimately able to establish as the so called **"Health Fraud Partnership"**. This illegal agreement, is misleadingly titled, in order to provide 'cover' and apparent legitimacy for an illegal scheme concocted by the insurance industry, in which governmental agencies have provided it unfettered access and control of governmental investigative/prosecutorial/adjudicative functions with which they have manufactured knowingly false civil/criminal cases against principally ethnic minority physicians, for license revocation/asset seizure/incarceration, in order to eradicate their debit and eliminate the future threat of competition that the physician's continued practice would pose. Within the


NUREMBERG
MILITARY
TRIBUNALS

MILITARY TRIBUNALS

CASE NO. 1

THE UNITED STATES OF AMERICA

— against —

KARL BRANDT, SIEGFRIED HANDLOSER, PAUL ROSTOCK, OSKAR SCHROEDER, KARL GENZKEN, KARL GEBHARDT, KURT BLOME, RUDOLF BRANDT, JOACHIM MRUGOWSKY, HELMUT POPPENDICK, WOLFRAM SIEVERS, GERHARD ROSE, SIEGFRIED RUFF, HANS WOLFGANG ROMBERG, VIKTOR BRACK, HERMANN BECKER-FREYSENG, GEORG AUGUST WELTZ, KONRAD SCHAEFER, WALDEMAR HOVEN, WILHELM BEIGLBOECK, ADOLF POKORNY, HERTA OBERHEUSER, and FRITZ FISCHER.

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NUREMBERG 1946

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, as set forth in Counts One, Two, and Three of this Indictment. Certain defendants are further charged with membership in a Criminal Organization, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

KARL BRANDT—Personal physician to Adolf Hitler; Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General); Reich Commissioner for Health and Sanitation (Reichskommissar für Sanitäts- und Gesundheitswesen); and member of the Reich Research Council (Reichsforschungsrat).

SIEGFRIED HANDLOSER—Generaloberstabsarzt (Lieutenant General, Medical Service); Medical Inspector of the Army (Heeres-Sanitätsinspekteur); and Chief of the Medical Services of the Armed Forces (Chef des Wehrmachtssanitätswesens).

PAUL ROSTOCK—Chief Surgeon of the Surgical Clinic in Berlin; Surgical Advisor to the Army; and Chief of the Office for Medical Science and Research (Amtschef der Dienststelle Medizinische Wissenschaft und Forschung) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

OSKAR SCHROEDER—Generaloberstabsarzt (Lieutenant General, Medical Service); Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe (Chef des Stabes, Inspekteur des Luftwaffe-Sanitätswesens); and Chief of the Medical Service of the Luftwaffe (Chef des Sanitätswesens der Luftwaffe).

KARL GENZKEN—Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General) and Chief of the Medical

Department of the Waffen SS (Chef des Sanitätsamts der Waffen SS).

KARL GEBHARDT—Gruppenführer in the SS and Generalleutnant in the Waffen SS (Major General); Personal physician to Reichsführer SS Himmler; Chief Surgeon of the Staff of the Reich Physician SS and Police (Oberster Kliniker, Reichsarzt SS und Polizei); and President of the German Red Cross.

KURT BLOME—Deputy Reich Health Leader (Reichsgesundheitsführer); and Plenipotentiary for Cancer Research in the Reich Research Council.

RUDOLF BRANDT—Standartenführer in the Allgemeine SS (Colonel); Personal Administrative Officer to Reichsführer SS Himmler (Persönlicher Referent von Himmler); and Ministerial Counsellor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

JOACHIM MRUGOWSKY—Oberführer in the Waffen SS (Senior Colonel); Chief Hygienist of the Reich Physician SS and Police (Oberster Hygieniker, Reichsarzt SS und Polizei); and Chief of the Hygienic Institute of the Waffen SS (Chef des Hygienischen Institutes der Waffen SS).

HELMUT POPPENDICK—Oberführer in the SS (Senior Colonel); and Chief of the Personal Staff of the Reich Physician SS and Police (Chef des Persönlichen Stabes des Reichsarztes SS und Polizei).

WOLFRAM SIEVERS—Standartenführer in the SS (Colonel); Reich Manager of the "Ahnenerbe" Society and Director of its Institute for Military Scientific Research (Institut für Wehrwissenschaftliche Zweckforschung); and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

GERHARD ROSE—Generalarzt of the Luftwaffe (Brigadier General); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Advisor for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

SIEGFRIED RUFF—Director of the Department for Aviation Medicine at the German Experimental Institute for Aviation (Deutsche Versuchsanstalt für Luftfahrt).

HANS WOLFGANG ROMBERG—Doctor on the Staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

VIKTOR BRACK—Oberführer in the SS (Senior Colonel) and Sturmbannführer in the Waffen SS (Major); and Chief Administrative Officer in the Chancellery of the Führer of the NSDAP (Oberdienstleiter, Kanzlei des Führers der NSDAP).

HERMANN BECKER-FREYSENG—Stabsarzt in the Luftwaffe (Captain, Medical Service); and Chief of the Department for Aviation Medicine of the Chief of the Medical Service of the Luftwaffe.

GEORG AUGUST WELTZ—Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service); and Chief of the Institute for Aviation Medicine in Munich (Institut für Luftfahrtmedizin).

KONRAD SCHAEFER—Doctor on the Staff of the Institute for Aviation Medicine in Berlin.

WALDEMAR HOVEN—Hauptsturmführer in the Waffen SS (Captain); and Chief Doctor of the Buchenwald Concentration Camp.

WILHELM BEIGLBOECK—Consulting Physician to the Luftwaffe.

ADOLF POKORNY—Physician, Specialist in Skin and Venereal Diseases.

HERTA OBERHEUSER—Physician at the Ravensbruck Concentration Camp; and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

FRITZ FISCHER—Sturmbannführer in the Waffen SS (Major); and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

COUNT ONE — THE COMMON DESIGN OR CONSPIRACY

1. Between September 1939 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving, the commission of War Crimes and Crimes against Humanity.

3. All of the defendants herein, acting in concert with others for whose acts the defendants are responsible unlawfully, wilfully, and knowingly participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans and enterprises to commit, and which involved the commission of, War Crimes and Crimes against Humanity.

4. It was a part of the said common design, conspiracy, plans and enterprises to perform medical experiments upon concentration camp inmates and other living human subjects, without their consent, in the course of which experiments the defendants committed the murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, more fully described in Counts Two and Three of this Indictment.

5. The said common design, conspiracy, plans and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the subjection of thousands of persons, including civilians, and members of the armed forces of nations then at war with the German Reich, to murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts.

COUNT TWO — WAR CRIMES

6. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments without the subjects' consent, upon civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. Such experiments included, but were not limited to, the following:

(A) HIGH ALTITUDE EXPERIMENTS. From about March 1942 to about August 1942 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force to investigate the limits of human endurance and existence at extremely high altitudes. The experiments were carried out in a low-pressure chamber in which the atmospheric conditions and pressures prevailing at high altitude (up to 68,000 feet) could be duplicated. The experimental subjects were placed in the low-pressure chamber and thereafter the simulated altitude therein was raised. Many victims died as a result of these experi-

ments and others suffered grave injury, torture, and ill treatment. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Ruff, Romberg, Becker-Freyseng, and Weltz are charged with special responsibility for and participation in these crimes.

(B) FREEZING EXPERIMENTS. From about August 1942 to about May 1943 experiments were conducted at the Dachau Concentration Camp primarily for the benefit of the German Air Force to investigate the most effective means of treating persons who had been severely chilled or frozen. In one series of experiments the subjects were forced to remain in a tank of ice water for periods up to three hours. Extreme rigor developed in a short time. Numerous victims died in the course of these experiments. After the survivors were severely chilled, rewarming was attempted by various means. In another series of experiments, the subjects were kept naked outdoors for many hours at temperatures below freezing. The victims screamed with pain as parts of their bodies froze. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Becker-Freyseng, and Weltz are charged with special responsibility for and participation in these crimes.

(C) MALARIA EXPERIMENTS. From about February 1942 to about April 1945 experiments were conducted at the Dachau Concentration Camp in order to investigate immunization for and treatment of malaria. Healthy concentration camp inmates were infected by mosquitoes or by injections of extracts of the mucous glands of mosquitoes. After having contracted malaria the subjects were treated with various drugs to test their relative efficacy. Over 1,000 involuntary subjects were used in these experiments. Many of the victims died and others suffered severe pain and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Blome, Rudolf Brandt, Mrugowsky, Poppendick, and Sievers are charged with special responsibility for and participation in these crimes.

(D) LOST (MUSTARD) GAS EXPERIMENTS. At various times between September 1939 and April 1945 experiments were conducted at Sachsenhausen, Natzweiler, and other concentration camps for the benefit of the German Armed Forces to investigate the most effective treatment of wounds caused by Lost gas. Lost is a poison gas which is commonly known as Mustard gas. Wounds deliberately inflicted on the subjects were infected with Lost. Some of the subjects died as a result of these experiments and others suffered intense pain and injury. The defendants Karl Brandt, Handloser, Blome, Rostock, Gebhardt, Rudolf Brandt, and Sievers are charged with special responsibility for and participation in these crimes.

(E) SULFANILAMIDE EXPERIMENTS. From about July 1942 to about September 1943 experiments to investigate the effectiveness of sulfanilamide were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces. Wounds deliberately inflicted on the experimental subjects were infected with bacteria such as streptococcus, gas gangrene, and tetanus. Circulation of blood was interrupted by tying off blood vessels at both ends of the wound to create a condition similar to that of a battlefield wound. Infection was aggravated by forcing wood shavings and ground glass into the wounds. The infection was treated with sulfanilamide and other drugs to determine their effectiveness. Some subjects died as a result of these experiments and others suffered serious injury and intense agony. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Genzken, Gebhardt, Blome, Rudolf Brandt, Mrugowsky, Poppendick, Becker-Freyseng, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(F) BONE, MUSCLE, AND NERVE REGENERATION AND BONE TRANSPLANTATION EXPERIMENTS. From about September 1942 to about December 1943 experiments were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces to study bone, muscle, and nerve regeneration, and bone transplantation from one person to another. Sections of bones, muscles, and nerves were removed from the subjects. As a result of these operations, many victims suffered intense agony, mutilation, and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Rudolf Brandt, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(G) SEAWATER EXPERIMENTS. From about July 1944 to about September 1944 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force and Navy to study various methods of making seawater drinkable. The subjects were deprived of all food and given only chemically processed seawater. Such experiments caused great pain and suffering and resulted in serious bodily injury to the victims. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Becker-Freyseng, Schaefer, and Beiglboeck are charged with special responsibility for and participation in these crimes.

(H) EPIDEMIC JAUNDICE EXPERIMENTS. From about June 1943 to about January 1945 experiments were conducted at the Sachsenhausen and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the causes of, and inoculations against, epidemic jaundice. Experimental subjects were deliberately infected with epidemic jaundice, some of whom died as a result, and

others were caused great pain and suffering. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Rose, and Becker-Freyseng are charged with special responsibility for and participation in these crimes.

(I) STERILIZATION EXPERIMENTS. From about March 1941 to about January 1945 sterilization experiments were conducted at the Auschwitz and Ravensbruck Concentration Camps, and other places. The purpose of these experiments was to develop a method of sterilization which would be suitable for sterilizing millions of people with a minimum of time and effort. These experiments were conducted by means of X-Ray, surgery, and various drugs. Thousands of victims were sterilized and thereby suffered great mental and physical anguish. The defendants Karl Brandt, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Brack, Pokorny, and Oberheuser are charged with special responsibility for and participation in these crimes.

(J) SPOTTED FEVER EXPERIMENTS. From about December 1941 to about February 1945 experiments were conducted at the Buchenwald and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the effectiveness of spotted fever and other vaccines. At Buchenwald numerous healthy inmates were deliberately infected with spotted fever virus in order to keep the virus alive; over 90 % of the victims died as a result. Other healthy inmates were used to determine the effectiveness of different spotted fever vaccines and of various chemical substances. In the course of these experiments 75 % of the selected number of inmates were vaccinated with one of the vaccines or nourished with one of the chemical substances and, after a period of three to four weeks, were infected with spotted fever germs. The remaining 25 % were infected without any previous protection in order to compare the effectiveness of the vaccines and the chemical substances. As a result, hundreds of the persons experimented upon died. Experiments with yellow fever, smallpox, typhus, paratyphus A and B, cholera, and diphtheria were also conducted. Similar experiments with like results were conducted at Natzweiler Concentration Camp. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Genzken, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Rose, Becker-Freyseng, and Hoven are charged with special responsibility for and participation in these crimes.

(K) EXPERIMENTS WITH POISON. In or about December 1943 and in or about October 1944 experiments were conducted at the Buchenwald Concentration Camp to investigate the effect of various poisons upon human beings. The poisons were secretly administered to experimental subjects in their food. The victims died as a result of the poison or were killed immediately in order to permit autopsies. In or about

September 1944 experimental subjects were shot with poison bullets and suffered torture and death. The defendants Genzken, Gebhardt, Mrugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.

(L) INCENDIARY BOMB EXPERIMENTS. From about November 1943 to about January 1944 experiments were conducted at the Buchenwald Concentration Camp to test the effect of various pharmaceutical preparations on phosphorus burns. These burns were inflicted on experimental subjects with phosphorus matter taken from incendiary bombs, and caused severe pain, suffering, and serious bodily injury. The defendants Genzken, Gebhardt, Mrugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.

7. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sievers unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder of civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. One hundred twelve Jews were selected for the purpose of completing a skeleton collection for the Reich University of Strasbourg. Their photographs and anthropological measurements were taken. Then they were killed. Thereafter, comparison tests, anatomical research, studies regarding race, pathological features of the body, form and size of the brain, and other tests, were made. The bodies were sent to Strasbourg and defleshed.

8. Between May 1942 and January 1943 the defendants Blome and Rudolf Brandt unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and mistreatment of tens of thousands of Polish nationals who were civilians and members of the armed forces of a nation then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. These people were alleged to be infected with incurable tuberculosis. On the ground of insuring the health and welfare of Germans in Poland, many tubercular Poles were ruthlessly exterminated while others were isolated in death camps with inadequate medical facilities.

9. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted,

took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich in the course of which the defendants herein murdered hundreds of thousands of human beings, including nationals of German-occupied countries. This program involved the systematic and secret execution of the aged, insane, incurably ill, of deformed children, and other persons, by gas, lethal injections, and divers other means in nursing homes, hospitals, and asylums. Such persons were regarded as "useless eaters" and a burden to the German war machine. The relatives of these victims were informed that they died from natural causes, such as heart failure. German doctors involved in the "euthanasia" program were also sent to the Eastern occupied countries to assist in the mass extermination of Jews.

10. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, and 46 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II, of Control Council Law No. 10.

COUNT THREE — CRIMES AGAINST HUMANITY

11. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments, without the subjects' consent, upon German civilians and nationals of other countries, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars concerning such experiments are set forth in Paragraph 6 of Count Two of this Indictment and are incorporated herein by reference.

12. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sievers unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder of German civilians and nationals of other countries. The particulars concerning such murders are set forth in Paragraph 7 of Count Two of this Indictment and are incorporated herein by reference.

13. Between May 1942 and January 1943 the defendants Blome and

Rudolf Brandt unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and misreatment of tens of thousands of Polish nationals. The particulars concerning such murder and inhumane treatment are set forth in Paragraph 8 of Count Two of this Indictment and are incorporated herein by reference.

14. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich, in the course of which the defendants herein murdered hundreds of thousands of human beings, including German civilians, as well as civilians of other nations. The particulars concerning such murders are set forth in Paragraph 9 of Count Two of this Indictment and are incorporated herein by reference.

15. The said Crimes against Humanity constitute violations of international conventions, including Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FOUR — MEMBERSHIP IN CRIMINAL ORGANIZATION

16. The defendants Karl Brandt, Genzken, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Brack, Hoven, and Fischer are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that each of the said defendants was a member of DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") after 1 September 1939. Such membership is in violation of Paragraph I (d) Article II of Control Council Law No. 10.

Wherefore, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to MILITARY TRIBUNAL No. I.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nürnberg, 25 October 1946

MILITARY TRIBUNALS

CASE NO. 2

THE UNITED STATES OF AMERICA

— against —

ERHARD MILCH

Defendant

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1946

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges the defendant Erhard Milch with the commission of War Crimes and Crimes against Humanity as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. The defendant Milch between 1939 and 1945 was: Secretary of State in the Air Ministry (Staatssekretär im Reichsluftfahrt-Ministerium), Inspector General of the Air Force (Generalinspecteur der Luftwaffe), Deputy to the Commander in Chief of the Air Force (Stellvertreter des Oberbefehlshabers der Luftwaffe), and Member of the Nazi Party (Mitglied der NSDAP). The defendant Milch was also Field Marshal in the Luftwaffe (Generalfeldmarschall in der Luftwaffe) 1940—45, Aircraft Master General (Generalluftzeugmeister) 1941—44, Member of the Central Planning Board (Mitglied der „Zentralen Planung") 1942—1945, and Chief of the Jaegerstab 1944—1945. The War Crimes and Crimes against Humanity charged herein against the defendant Milch include deportation, enslavement and mis-treatment of millions of persons participation in criminal medical experiments upon human beings, and murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts.

COUNT ONE

1. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined by Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving slave labor and deportation to slave labor of the civilian populations of Austria, Czechoslovakia, Italy, Hungary, and other countries and territories occupied by the German armed forces, in the course of which millions of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered.

2. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined by Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving the use of prisoners of war in war operations and work having a direct relation with war operations, including the manufacture and transportation of arms and munitions, in the course of which murders, cruelties, ill treatment, and other inhumane acts were committed against members of the armed forces of nations then at war with the German Reich and who were in custody of the German Reich in the exercise of belligerent control.

3. In the execution of the plans and enterprises charged in Paragraphs 1 and 2 of this Count, millions of persons were unlawfully subjected to forced labor under cruel and inhumane conditions which resulted in widespread suffering. At least 5,000,000 workers were deported to Germany. The conscription of labor was accomplished in many cases by drastic and violent methods. Workers destined for the Reich were sent under guard to Germany, often packed in trains without adequate heat, food, clothing or sanitary facilities. other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy and on fortifications and military installations. The resources and needs of the occupied countries were completely disregarded in the execution of the said plans and enterprises. Prisoners of war were assigned to work directly related to war operations, including work in munitions factories, loading bombers, carrying ammunition, and manning anti-aircraft guns. The treatment of slave laborers and prisoners of war based on the principle that they should be fed, sheltered, and treated in such a way as to exploit them to the greatest possible extent at the lowest expenditure.

4. The defendant Milch from 1942 to 1945 was a member of the Central Planning Board which had supreme authority for the scheduling of production and the allocation and development of raw materials in the German war ecomony. The Central Planning Board determined the labor requirements of industry, agriculture and all other phases of German war economy, and made requisitions for and allocations of such labor. The defendant Milch had full knowledge of the illegal man-

ner in which foreign laborers were conscripted and prisoners of war utilized to meet such requisitons, and of the unlawful and inhumane conditions under which they were exploited. He attended the meetings of the Central Planning Board, participated in its decisions and in the formulation of basic policies will reference to the exploitation of such labor, advocated the increased use of forced labor and prisoners of war to expand war production, and urged that cruel and repressive measures be utilized to procure and exploit such labor.

5. During the years 1939—1945 the defendant Milch, as Secretary of State in the Air Ministry, Inspector General of the Air Force, Deputy to the Commander in Chief of the Air Force, Field Marshal in the Luftwaffe, Aircraft Master General, and Chief of the Jaegerstab, had responsibility for the development and production of arms and munitions for the German Air Force. The defendant Milch exploited foreign laborers and prisoners of war in the arms, aircraft and munitions factories under his control, made requisitions for and allocations of such labor within the aircraft industry, and personally directed that cruel and repressive measures be adopted towards such labor.

6. Pursuant to the order of the defendant Milch, prisoners of war who had attempted escape were murdered on or about 15 February 1944.

7. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, 46, and 52 of the Hague Regulations, 1907, and of Articles 2, 3, 4, 6, and 31 of the Prisoner-of-War Convention (Geneva, 1929), the laws customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

COUNT TWO

8. Between March 1942 and May 1943 the defendant Milch unlawfully, wilfully, and knowingly committed War Crimes as defined in Article II of Control Council Law No. 10, in that he was a principal in, accessory to, ordered, abetted, took a consenting part in and was connected with plans and enterprises involving medical experiments without

the subjects' consent, upon members of the armed forces and civilians of nations then at war with the German Reich and who were in the custody of the German Reich in the exercise of belligerent control, in the course of which experiments the defendant Milch, together with divers other persons, committed murders, brutalities, cruelties, tortures, and other inhumane acts. Such experiments included, but were not limited to, the following:

(A) HIGH ALTITUDE EXPERIMENTS. From about March 1942 to about August 1942 experiments were conducted at the Dachau concentration camps for the benefit of the German Air Force to investigate the limits of human endurance and existence at extremely high altitudes. The experiments were carried out in a low-pressure chamber in which the atmospheric conditions and pressure prevailing at high altitudes (up to 68,000 feet) could be duplicated. The experimental subjects were placed in the low-pressure chamber and thereafter the simulated altitude therein was raised. Many victims died as a result of these experiments and others suffered grave injury, torture, and ill treatment.

(B) FREEZING EXPERIMENTS. From about August 1942 to about May 1943 experiments were conducted at the Dachau concentration camp primarily for the benefit of the German Air Force to investigate the most effective means of treating persons who had been severely chilled or frozen. In one series of experiments the subjects were forced to remain in a tank of ice water for periods up to three hours. Extreme rigor developed in a short time. Numerous victims died in the course of these experiments. After the survivors were severly chilled, rewarming was attempted by various means. In another series of experiments, the subjects were kept naked outdoors for many hours at temperatures below freezing. The victims screamed with pain as parts of their bodies froze.

9. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, and 46 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II, of Control Council Law No. 10.

COUNT THREE

10. Between September 1939 and May 1945 the defendant Milch unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No 10, in that he was a principal in, accessory to, ordered, abetted took a consenting part in, and was connected with plans and enterprises involving slave labor and deportation to slave labor of German nationals and nationals of other countries in the course of which millions of persons were enslaved, deported, ill treated, terrorized, tortured, and murdered. The particulars of these crimes are set forth in Count One of this Indictment and are incorporated herein by reference.

11. Between March 1942 and May 1943, the defendant Milch unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined in Article II of Control Council Law No. 10 in that he was principal in, accessory to, ordered, abetted, took a consenting part in, and was connected with plans and enterprises involving medical experiments, without the subjects' consent, upon German nationals and nationals of other countries, in the course of which experiments the defendant Milch, together with divers other persons, committed murders. brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars of such experiments are set forth in Count Two of this Indictment and are incorporated herein by reference.

12. The said Crimes against Humanity constitute violations of international conventions, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendant are hereby presented to the Military Tribunals.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America

Nurnberg, 13 November 1946

MILITARY TRIBUNALS

CASE No. 3

THE UNITED STATES OF AMERICA

— against —

JOSEF ALTSTÖTTER, WILHELM VON AMMON, PAUL BARNICKEL, HERMANN CUHORST, KARL ENGERT, GÜNTHER JOEL, HERBERT KLEMM, ERNST LAUTZ, WOLFGANG METTGENBERG, GÜNTHER NEBELUNG, RUDOLF OESCHEY, HANS PETERSEN, OSWALD ROTHAUG, CURT ROTHENBERGER, FRANZ SCHLEGELBERGER, and CARL WESTPHAL,

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US
NÜRNBERG 1947

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts, as set forth in Counts One, Two, and Three of this Indictment. Certain defendants are further charged with membership in Criminal Organizations, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this cause are:

JOSEF ALTSTOTTER — Chief (Ministerialdirektor) of the Civil Law and Procedure Division (Abteilung VI) of the Reich Ministry of Justice; and Oberfuehrer in the SS.

WILHELM VON AMMON — Ministerial Counsellor (Ministerialrat) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice and coordinator of proceedings against foreigners for offenses against Reich occupational forces abroad.

PAUL BARNICKEL — Senior Public Prosecutor (Reichsanwalt) of the People's Court (Volksgerichtshof); Sturmfuehrer in the SA.

HERMANN CUHORST — Chief Justice (Senatspräsident) of the Special Court (Sondergericht) in Stuttgart; Chief Justice of the First Criminal Senate of the District Court (Landgericht) in Stuttgart; member of the Leadership Corps of the Nazi Party at Gau executive level; sponsoring member (Foerderndes Mitglied) of the SS.

KARL ENGERT — Chief (Ministerialdirektor) of the Penal Administration Division (Abteilung V) and of the secret Prison Inmate Transfer Division (Abteilung XV) of the Reich Ministry of Justice; Oberfuehrer in the SS; Vice President of the People's Court (Volksgerichtshof); Ortsgruppenleiter in the NSDAP Leadership Corps.

GUENTHER JOEL — Legal Adviser (Referent) to the Reich Minister of Justice concerning criminal prosecutions; Chief Public Prosecutor (Generalsfaatsanwalt) of Westphalia at Hamm; Obersturmbannfuehrer in the SS; Untersturmbannfuehrer in the SD.

HERBERT KLEMM — State Secretary (Staatssekretaer) of the Reich Ministry of Justice; Director (Ministerialdirektor) of the Legal Education and Training Division (Abteilung II) in the Ministry of Justice; Deputy Director of the National Socialist Lawyers League (NS Rechtswahrerbund); Obergruppenfuehrer in the SA.

ERNST LAUTZ — Chief Public Prosecutor (Oberreichsanwalt) of the People's Court.

WOLFGANG METTGENBERG — Representative of the Chief (Ministerialdirigent) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice, particularly supervising criminal offenses against German occupational forces in occupied territories.

GUENTHER NEBELUNG — Chief Justice of the Fourth Senate of the People's Court; Sturmfuehrer in the SA; Ortsgruppenleiter in the NSDAP Leadership Corps.

RUDOLF OESCHEY — Judge (Landgerichtsrat) of the Special Court in Nurnberg and successor to the defendant Rothaug as Chief Justice (Landgerichtsdirektor) of the same court; member of the Leadership Corps of the Nazi Party at Gau executive level (Gauhauptstellenleiter); an executive (Kommissarischer Leiter) of the National Socialist Lawyers League.

HANS PETERSEN — Lay Judge of the First Senate of the People's Court; Lay Judge of the Special Senate (Besonderer Senat) of the People's Court; Lieutenant General (Obergruppenfuehrer) in the SA.

OSWALD ROTHAUG — Senior Public Prosecutor (Reichsanwalt) of the People's Court; formerly Chief Justice of the Special Court in Nurnberg; member of the Leadership Corps of the Nazi Party at Gau executive level.

CURT ROTHENBERGER — State Secretary (Staatssekretaer) of the Reich Ministry of Justice; deputy president of the Academy of German Law (Akademie des Deutschen Rechts); Gaufuehrer of the National Socialist Lawyers League.

FRANZ SCHLEGELBERGER — State Secretary; Acting Reich Minister of Justice.

CARL WESTPHAL — Ministerial Counsellor (Ministerialrat) of the Criminal Legislation and Administration Division (Abteilung IV) of the Reich Ministry of Justice, and officially responsible for questions of criminal procedure and penal execution within the Reich; Ministry coordinator for nullity pleas against adjudicated sentences.

COUNT ONE

THE COMMON DESIGN AND CONSPIRACY

1. Between January 1933 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving, the commission of War Crimes and Crimes against Humanity.

3. All of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of, War Crimes and Crimes against Humanity, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

4. The said common design, conspiracy, plans, and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts ~~Two~~ and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the commission of atrocities and offenses against persons and property, including plunder of private property, murder, extermination, enslavement, deportation, unlawful imprisonment, torture, persecutions on political, racial, and religious grounds, and ill-treatment of, and other inhumane acts against thousands of persons, including German civilians, nationals of other countries, and prisoners of war.

5. It was a part of the said common design, conspiracy, plans, and enterprises to enact, issue, enforce, and give effect to certain purported statutes, decrees, and orders, which were criminal both in inception and execution, and to work with the Gestapo, SS, SD, SIPO, and RSHA

for criminal purposes, in the course of which the defendants, by distortion and denial of judicial and penal process, committed the murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts, more fully de scribed in Counts Two and Three of this Indictment.

6. The said common design, conspiracy, plans, and enterprises embraced the assumption by the Reich Ministry of Justice of total control of the Administration of Justice, including preparation of legislation concerning all branches of law, and control of the courts and prisons. The supreme administration of justice in all German states was transferred to the Reich Ministry of Justice in 1934. Thereupon, certain extraordinary courts of a predominantly political nature, with wide and arbitrary criminal jurisdiction, were superimposed upon the existing ordinary court system. The People's Court (Volksgerichtshof) became the court of original and final jurisdiction in cases of "high treason" and "treason". This Court itself had jurisdiction over the investigation and prosecution of all cases before it, and there was no appeal from its decision. The Court's territorial jurisdiction was extended not only to all annexed countries of the Reich but also to the "Protectorate" (Bohemia and Moravia) in 1939. Beginning in 1933, Special Courts (Sondergerichte) also were superimposed upon the ordinary court system under the Reich Ministry of Justice. These Special Courts were of a character which had been outlawed until the NSDAP seizure of power. Jurisdiction of these Special Courts extended to all "political" cases, as well as to all acts deemed inimical to either the Party, the Government, or continued prosecution of the war. At least one Special Court was attached to every Court of Appeal (Oberlandesgericht); Public Prosecutors could arbitrarily refer thereto any case from the local courts (Amtsgerichte) or from the criminal division of the district courts (Landgerichte). Despite guaranties in the Weimar Constitution and the German Judicature Act, that no one may be deprived of his competent judge, and prohibitions against irregular tribunals, these courts were imposed upon Germany, as well as upon the "Protectorate" and the occupied countries.

7. The said common design, conspiracy, plans, and enterprises embraced the use of the judicial process as a powerful weapon for the persecution and extermination of all opponents of the Nazi regime regardless of nationality and for the persecution and extermination of "races". The special political tribunals mentioned above visited cruel punishment and death upon political opponents and members of certain "racial" and national groups. The People's Court was presided over by a minority of trusted Nazi lawyers, and a majority of equally trusted laymen appointed by Hitler from the Elite Guard and Party hierarchy. The People's Court in collaboration with the Gestapo became a terror

court, notorious for the severity of punishment, secrecy of proceedings, and denial to the accused of all semblance of judicial process. Punishment was meted out by Special Courts to victims under a law which condemned all who offended the "healthy sentiment of the people". Independence of the judiciary was destroyed. Judges were removed from the bench for political and "racial" reasons. Periodic "letters" were sent by the Ministry of Justice to all Reich judges and public prosecutors, instructing them as to the results they must accomplish. Both the bench and bar were continually spied upon by the Gestapo and SD, and were directed to keep disposition of their cases politically acceptable. Judges, prosecutors and, in many cases, defense counsel were reduced in effect to an administrative arm of the Nazi Party.

COUNT TWO — WAR CRIMES

8. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses against persons and property, including, but not limited to, plunder of private property, murder, torture, and illegal imprisonment of, and brutalities, atrocities, and other inhumane acts against thousands of persons. These crimes included, but were not limited to, the facts set out in Paragraphs 9 to 17, inclusive, of this Indictment, and were committed against civilians of occupied territories and members of the Armed Forces of nations then at war with the German Reich and who were in the custody of the German Reich in the exercise of belligerent control.

9. Extraordinary irregular courts, superimposed upon the regular court system, were used by all of the defendants for the purpose of and in fact creating a reign of terror to suppress political opposition to the Nazi regime. This was accomplished principally through the People's Court (Volksgerichtshof) and various Special Courts (Sondergerichte), which subjected civilians of the occupied countries to criminal abuse of judicial and penal process including repeated trials on the same charges; criminal abuse of discretion, unwarranted imposition of the death penalty, pre-arrangement of sentences between judges and prosecutors, discriminatory trial processes, and other criminal practices, all of which resulted in murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts.

10. Special Courts subjected Jews of all nationalities, Poles, Ukranians, Russians, and other nationals of the occupied Eastern territories, indiscriminately classed as "Gypsies", to discriminatory and special penal laws and trials, and denied them all semblance of judicial process. These persons who had been arbitrarily designated "asocial" by conspiracy and agreement between the Ministry of Justice and the SS were turned over by the Ministry of Justice, both during and after service of prison sentences, to the SS to be worked to death. Many such persons were given a summary travesty of trial before extraordinary courts, and after serving the sentences imposed upon them, were turned over to the Gestapo for "protective custody" in concentration camps. Jews dis-

charged from prison were turned over to the Gestapo for final detention in Auschwitz, Lublin, and other concentration camps. The above-described proceedings resulted in the murder, torture, and ill-treatment of thousands of such persons. The defendants von Ammon, Engert, Klemm, Schlegelberger, Mettgenberg, Rothenberger, and Westphal are charged with special responsibility for and participation in these crimes.

11. The German criminal laws, through a series of expansions and perversions by the Ministry of Justice, finally embraced passive defeatism, petty misdemeanors and trivial private utterances as treasonable for the purpose of exterminating Jews or other nationals of the occupied countries. Indictments, trials and convictions were transparent devices for a system of murderous extermination and death became the routine penalty. Jurisdiction of the German criminal code was extended to the entire world, to cover acts of non-Germans as well as Germans living outside the Reich. Non-German nationals were convicted of and executed for "high treason" allegedly commited against the Reich. The above-described proceedings resulted in the murder, torture, unlawful imprisonment, and ill-treatment of thousands of persons. The defendants Barnickel, Cuhorst, Klemm, Lautz, Mettgenberg, Nebelung, Oeschey, Petersen, Rothaug, Rothenberger, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

12. The Justice Ministry aided and implemented the unlawful annexation and occupation of Czechoslovakia, Poland, and France. Special Courts were created to facilitate the extermination of Poles and Jews and the suppression of political opposition generally by the employment of summary procedures and the enforcement of Draconic penal laws. Sentences were limited to death or transfer to the SS for extermination. The People's Court and Special Courts were projected into these countries, irregular prejudicial regulations and procedures were invoked without notice (even in violation of the Reich Criminal Code as unlawfully extended to other occupied territories), sentences were pre-arranged, and trial and execution followed service of the indictment within a few hours. The above-described proceedings resulted in the murder, ill-treatment, and unlawful imprisonment of thousands of persons. The defendants Klemm, Lautz, Mettgenberg, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

13. The Ministry of Justice participated with the OKW and the Gestapo, in the execution of Hitler's decree of "night and fog" (Nacht und Nebel) whereby civilians of occupied territories who had been accused of crimes of resistance against occupying forces were spirited away for secret trial by certain Special Courts of the Justice Ministry within the Reich, in the course of which the victims' whereabouts, trial, and sub-

sequent disposition were kept completely secret, thus serving the dual purpose of terrorizing the victims' relatives and associates and barring recourse to any evidence, witnesses, or counsel for defense. The accused was not informed of the disposition of his case, and in almost every instance those who were acquitted or who had served their sentences were handed over by the Justice Ministry to the Gestapo for "protecive custody" for the duration of the war. In the course of the above-described proceedings, thousands of persons were murdered, tortured, ill-treated and illegally imprisoned. The defendants Altstoetter, von Ammon, Engert, Joel, Klemm, Mettgenberg, and Schlegelberger are charged with special responsibility for and participation in these crimes.

14. Hundreds of non-German nationals imprisoned in penal institutions operated by the Reich Ministry of Justice were unlawfully executed and murdered. Death sentences were executed in the absence of the necessary official orders, and while clemency pleas were pending. Many who were not sentenced to death were executed. In the face of Allied military advances so-called "inferior" or "asocial" prison inmates were, by Ministry order, executed regardless of sentences under which they served. In many instances these penal institutions were operated in a manner indistinguishable from concentration camps. The defendants Engert, Joel, Klemm, Lautz, Mettgenberg, Rothenberger and Westphal are charged with special responsibility for and participation in these crimes.

15. The Ministry of Justice participated in the Nazi program of racial purity persuant to which sterilization and castration laws were perverted for the extermination of Jews, "asocials", and certain nationals of the occupied territories. In the course of the program thousands of Jews were sterilized. Insane, aged, and sick nationals of occupied territories, the so-called "useless eaters", were systematically murdered. In the course of the above described proceedings thousands of persons were murdered and ill-treated. The defendants Lautz, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

16. The Ministry of Justice granted immunity to and amnesty following prosecutions and convictions of Nazi Party members for major crimes committed against civilians of occupied territories. Pardons were granted to members of the Party who nad been sentenced for proved offenses. On the other hand, discriminatory measures against Jews, Poles, "Gypsies", and other designated "asocials" resulted in harsh penal measures and death sentences, deprivation of rights to file private suits and rights of appeal, denial of right to receive amnesty and to file clemency pleas, denial of right of counsel, imposition of special criminal laws permitting the death penalty for all crimes and misdemeanors and,

finally, in the transfer to the Gestapo for "special treatment" of all cases in which Jews were involved. The defendants von Ammon, Joel, Klemm, Rothenberger, and Schlegelberger are charged with special responsibility for and participation in these crimes.

17. By decrees signed by the Reich Minister of Justice and others, the citizenship of all Jews in Bohemia and Moravia was forfeited upon their change of residence by deportation or otherwise; and upon their loss of citizenship their properties were automatically confiscated by the Reich. There were discriminatory changes in the family and inheritance laws by which Jewish property was forfeited at death to the Reich with no compensation to the Jewish heirs. The defendants Altstoetter and Schlegelberger are charged with special responsibility for and participation in these crimes.

18. The Ministry of Justice through suspension and quashing of criminal process, participated in Hitler's program of inciting the German civilian population to murder Allied airmen forced down within the Reich. The defendants Klemm and Lautz are charged with special responsibility for and participation in these crimes.

19. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, 23, 43, 45, 46, and 50 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT THREE — CRIMES AGAINST HUMANITY

20. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, illegal imprisonment, torture, persecution on political, racial and religious grounds, and ill-treatment of, and other inhumane acts against German civilians and nationals of occupied countries.

21. Extraordinary irregular courts were used by all of the defendants in creating a reign of terror to suppress political opposition to the German Reich, in the course of which German civilians and nationals of occupied countries were subjected to criminal abuses of judicial and penal process, resulting in murders, brutalities, cruelties, tortures, atrocities, plunder of private property, and other inhumane acts. These crimes are further particularized in Paragraph 9 of this Indictment, which is incorporated herein by reference.

22. Special Courts subjected certain German civilians, and nationals of occupied countries to discriminatory and special penal laws and trials, and denied them all semblance of judicial process. Convicted German civilians and nationals of other countries who were deemed to be political prisoners and criminals designated as "asocial", were turned over to the Reich Security Main Office (RSHA) for extermination in concentration camps. These crimes are further particularized in Paragraph 10 of this Indictment, which is incorporated herein by reference. The defendants von Ammon, Engert, Joel, Klemm, Lautz, Mettgenberg, and Rothenberger are charged with special responsibility for and participation in these crimes.

23. The German criminal laws, through a series of additions, expansions, and perversions by the defendants became a powerful weapon for the subjugation of the German people and for the extermination of certain nationals of the occupied countries. This program resulted in the murder, torture, illegal imprisonment, and ill-treatment of thousands of Germans and nationals of occupied countries. These crimes are further particularized in Paragraph 11 of this Indictment, which is incorporated herein by reference. The defendants Barnickel, Cuhorst, Klemm, Lautz, Mettgenberg, Nebelung, Oeschey, Petersen, Rothaug, Rothen-

berger, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

24. The Ministry of Justice, through the People's Court and certain Special Courts, aided and implemented the unlawful annexation and occupation of Czechoslovakia, Poland and France. These crimes are further particularized in Paragraph 12 of this Indictment, which is incorporated herein by reference. The defendants Klemm, Lautz, Mettgenberg, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

25. The Ministry of Justice participated in the decree of "Night and Fog" (Nacht und Nebel) whereby certain persons who committed offenses against the Reich or the German forces in occupied territories were taken secretly by the Gestapo to Germany and handed over to the Special Courts for trial and punishment. This program resulted in the murder, torture, illegal imprisonment, and ill-treatment of thousands of persons. These crimes are further particularized in Paragraph 13 of this Indictment, which is incorporated herein by reference. The defendants Altstoetter, von Ammon, Engert, Joel, Klemm, Mettgenberg, and Schlegelberger are charged with special responsibility for and participation in these crimes.

26. In penal institutions operated by the Reich Ministry of Justice, hundreds of German civilians and nationals of other countries were subjected to murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars concerning these crimes are set forth in Paragraph 14 of this Indictment. The defendants Engert, Joel, Klemm, Lautz, Mettgenberg, Rothenberger, and Westphal are charged with special responsibility for and participation in these crimes.

27. Special Health Courts (Erbgesundheitgerichte) perverted eugenic and sterilization laws or policies regarding German civilians and nationals of other countries which resulted in the systematic murder and ill-treatment of thousands of persons. Thousands of German civilians and nationals of other countries committed to institutions for the insane, were systematically murdered. These crimes are further particularized in Paragraph 15 of Count Two of this Indictment, which is incorporated herein by reference. The defendants Lautz, Schlegelberger, and Westphal are charged with special responsibility for and participation in these crimes.

28. The Ministry of Justice granted immunity to and amnesty following prosecutions and convictions of Party members for major crimes committed against civilians of occupied territories. Pardons were granted to members of the Party who had been sentenced for proved offenses. On the other hand, discriminatory judicial proceedings were imposed

against so-called "asocial" German nationals and civilians of the occupied countries. These crimes are further particularized in Paragraph 16 of Count Two of this Indictment and are incorporated herein by reference. The defendants von Ammon, Joel, Klemm, Mettgenberg, Rothenberger, and Schlegelberger are charged with special responsibility for and participation in these crimes.

29. Discriminatory changes made in the German family and inheritance laws for the sole purpose of confiscating Jewish properties, were enforced by the Justice Ministry. All Jewish properties were forfeited at death to the Reich. Jews and Poles, both in Germany and in the occupied countries, were deprived of their citizenship, their property was seized and confiscated, and they were deprived of means of earning a livelihood, by the State, by Party organizations, and by individual members of the Party. These crimes are further particularized in Paragraph 17 of this Indictment, which is incorporated herein by reference. The defendants Altstoetter and Schlegelberger are charged with special responsibility for and participation in these crimes.

30. The Ministry of Justice through suspension and quashing of criminal process, participated in Hitler's program of inciting the German civilian population to murder Allied airmen forced down within the Reich. This program resulted in the murder, torture, and ill-treatment of many persons. These crimes are further particularized in Paragraph 18 of this Indictment, which is incorporated herein by reference. The defendants Klemm and Lautz are charged with special responsibility for and participation in these crimes.

31. The said Crimes against Humanity constitute violations of international conventions, including Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FOUR

MEMBERSHIP IN CRIMINAL ORGANIZATIONS

32. The defendants Altstoetter, Cuhorst, Engert, and Joel are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that each of the said defendants was a member of DIE SCHUTZSTAFFELN DER NATIONAL SOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") after 1 September 1939.

33. The defendants Cuhorst, Oeschey, Nebelung, and Rothaug are guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that Cuhorst, Oeschey, and Rothaug were members of the Leadership Corps of the Nazi Party at Gau level after 1 September 1939, and in that Nebelung was an Ortsgruppenleiter of the Leadership Corps of the Nazi Party after 1 September 1939.

34. The defendant Joel is guilty of membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1, in that the said defendant was a member of DER SICHERHEITSDIENST DES REICHSFUEHRER SS (commonly known as the "SD") after 1 September 1939.

Such memberships are in violation of Paragraph I (d) Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

Acting on Behalf of the United States of America

TELFORD TAYLOR
Brigadier General, U. S. Army
Chief of Counsel for War Crimes

Nurnberg, 4 January 1947

MILITARY TRIBUNALS

CASE No. 4

THE UNITED STATES OF AMERICA

— against —

OSWALD POHL, AUGUST FRANK, GEORG LOERNER, HEINZ KARL FANSLAU, HANS LOERNER, JOSEPH VOGT, ERWIN TSCHENTSCHER, RUDOLF SCHEIDE, MAX KIEFER, FRANZ EIRENSCHMALZ, KARL SOMMER, HERMAN POOK, HANS BAIER, HANS HOHBERG, LEO VOLK, KARL MUMMENTHEY, HANS BOBERMIN, and HORST KLEIN,

Defendants

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US
NURNBERG 1947

(und Verwaltungshauptamt, commonly known as "WVHA") and Chief of

INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein participated in a Common Design or Conspiracy to commit and did commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included murders, brutalities, cruelties, tortures, atrocities, deportations, enslavement, forced labor, plunder of property, and other inhumane and unlawful acts, as set forth in Counts One, Two, and Three of this Indictment. All but one of the defendants herein are further charged with membership in a Criminal Organization, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

OSWALD POHL — Obergruppenfuehrer in the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and General of the Waffen-SS (Lieutenant General); Chief of the SS Main Economic and Administrative Department (SS Wirtschafts- ~~the "SS") and General of the Waffen-SS (Lieutenant General); Chief of~~ Division W of the WVHA.

AUGUST FRANK — Obergruppenfuehrer in the SS and General of the Waffen-SS (Lieutenant General); Deputy Chief of the WVHA and Chief of Division A of the WVHA.

GEORG LOERNER — Gruppenfuehrer in the SS and Generalleutnant of the Waffen-SS (Major General); Deputy Chief of the WVHA, Chief of Division B of the WVHA, and Deputy Chief of Division W of the WVHA.

HEINZ KARL FANSLAU — Brigadefuehrer in the SS and Generalmajor of the Waffen-SS (Brigadier General); Chief of Division A of the WVHA.

HANS LOERNER — SS Oberfuehrer (Senior Colonel) and Chief of Office I of Division A of the WVHA.

JOSEPH VOGT — SS Standartenfuehrer (Colonel) and Chief of Office IV of Division A of the WVHA.

ERWIN TSCHENTSCHER — SS Standartenfuehrer (Colonel); Deputy Chief of Division B and Chief of Office I of Division B of the WVHA.

RUDOLF SCHEIDE — SS Standartenfuehrer (Colonel) and Chief of Office V of Division B of the WVHA.

MAX KIEFER — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division C of the WVHA.

FRANZ EIRENSCHMALZ — SS Standartenfuehrer (Colonel) and Chief of Office VI of Division C of the WVHA.

KARL SOMMER — SS Sturmbannfuehrer (Major) and Deputy Chief of Office II of Division D of the WVHA.

HERMANN POOK — Obersturmbannfuehrer (Lieutenant Colonel) of the Waffen-SS and Chief Dentist of the WVHA, of Office III, Division D.

HANS HEINRICH BAIER — SS Oberfuehrer (Senior Colonel) and Amtschef Stab (Executive Officer) of Division W of the WVHA.

HANS HOHBERG — Amtschef Stab (Executive Officer) of Division W of the WVHA.

LEO VOLK — SS Hauptsturmfuehrer (Captain), personal advisor (Persoenlicher Referent) on Pohl's staff, and head of the legal section (Leiter der Rechtsabteilung) in the Executive Office of Division W of the WVHA.

KARL MUMMENTHEY — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office I of Division W of the WVHA.

HANS BOBERMIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office II of Division W of the WVHA.

HORST KLEIN — SS Obersturmbannfuehrer (Lieutenant Colonel) and Chief of Office VIII of Division W of the WVHA.

COUNT ONE

THE COMMON DESIGN OR CONSPIRACY

1. Between January 1933 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit War Crimes and Crimes against Humanity, as defined in Control Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of War Crimes and Crimes against Humanity.

3. It was a part of the said common design, conspiracy, plans, and enterprises

to formulate and carry out ways and means for financing the Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS") and each of its various purposes, functions, activities, and enterprises;

to establish, maintain, operate, and administer throughout Germany and other countries concentration camps and labor camps in which thousands of persons, including prisoners of war, German civilians, and nationals of other countries, were unlawfully imprisoned, enslaved, tortured, and murdered;

to formulate and carry out plans to supply the labor and services of the inmates of concentration camps to various industries, enterprises, and undertakings throughout Germany and other countries;

to furnish human subjects for criminal medical, surgical, and biological experimentation and to assist in formulating and carrying out the plans for such unlawful experiments;

to carry out the policies and purposes of the German Reich with reference to the extermination of the Jews;

to carry out the policies and purposes of the German Reich with reference to the sterilization and castration of certain groups of peoples;

to carry out the policies and purposes of the German Reich with reference to the unlawful treatment of prisoners of war;

to carry out the so-called "euthanasia" program of the German Reich; and

to deport the citizens of countries occupied by the armed forces of the German Reich, plundering their property and impressing their services and labor for the German Reich.

4. Throughout the period covered by this indictment all of the defendants herein were associated with the Main Economic and Administrative Department (Wirtschafts- und Verwaltungshauptamt, commonly known as the "WVHA"), which was one of the twelve main departments of the SS.

5. The defendant Oswald Pohl was the head of the WVHA and the defendants August Frank und Georg Loerner were his deputies. The

WVHA was divided into Amtsgruppen (office groups or divisions), which were inter-related in their operations, purposes, and functions.

6. Amtsgruppe A, among other things, discharged the responsibility for financial matters of the SS, including those relating to its concentration camps. This Amtsgruppe was sub-divided into five offices or Aemter, which were charged with responsibility for certain parts of the entire financial administration. The defendants August Frank and Heinz Karl Fanslau were, successively, heads of Amtsgruppe A. The defendants Hans Loerner, August Frank, Joseph Vogt and Heinz Karl Fanslau were heads of offices or Aemter within this Amtsgruppe A.

7. Amtsgruppe B, among other things, was responsible for the supply of food and clothing for inmates of the concentration camps, and of food, uniforms, equipment, billets, and camp quarters for the members of the SS. It was sub-divided into five offices or Aemter. The defendant Georg Loerner was the chief of Amtsgruppe B, and the defendant Erwin Tschentscher was his deputy and chief of one of the offices or Aemter within this Amtsgruppe B. The defendant Rudolf Scheide was head of an office or Amt within this Amtsgruppe B.

8. Amtsgruppe C, among other things was charged with the construction and maintenance of houses, buildings, and structures of the SS, the German Police, and of the concentration camps and prisoner of war camps. It was sub-divided into six offices or Aemter. The defendants Max Kiefer and Franz Eirenschmalz were heads of Aemter or offices within this Amtsgruppe C.

9. Amtsgruppe D, which prior to March 1942 was known as the Inspectorate of Concentration Camps, was responsible, among other things, for the administration of the concentration camps and of the concentration camp inmates. It was responsible for the food, clothing, housing, sanitation, and medical care of the concentration camp inmates, and of the order, discipline, and regulation of the lives of the inmates. It was charged with the supply of the forced services and labor of the concentration camp inmates to public and private employers throughout Germany and the occupied countries. It was sub-divided into six offices or Aemter. The defendant Karl Sommer was the deputy chief of one of the offices or Aemter of Amtsgruppe D, responsible for the supply of the services and labor of concentration camp inmates. The defendant Hermann Pook was in charge of matters relating to dentistry affecting the concentration camp inmates.

10. Amtsgruppe W, among other things, was responsible for the operation and maintenance of various industrial, manufacturing, and service enterprises throughout Germany and the occupied countries. It was also responsible for providing clothing for concentration camp in-

mates. In the operation of the enterprises under its control, this Amtsgruppe employed many concentration camp inmates. It was sub-divided into eight offices or Aemter. The defendant Oswald Pohl was the head of Amtsgruppe W, the defendant Georg Loerner was his deputy, and the defendants Hans Hohberg and Hans Baier were his executive assistants. The defendant Leo Volk was personal adviser on the staff of Oswald Pohl and head of the legal section of the Executive Office of Amtsgruppe W, and the defendants Karl Mummenthey, Hans Bobermin, and Horst Klein were heads of offices or Aemter within this Amtsgruppe.

11. All of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowing participated as leaders, organizers, instigaters, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of War Crimes and Crimes against Humanity, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

12. The said common design, conspiracy, plans, and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the commission of atrocities and offenses against persons and property, including plunder of public and private property, murder, extermination, enslavement, deportation, unlawful imprisonment, torture, persecutions on political, racial and religious grounds, ill-treatment of, and other inhumane and unlawful acts against thousands of persons, including German civilians, nationals of other countries, and prisoners of war.

COUNT TWO — WAR CRIMES

13. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses against persons and property, including, but not limited to, plunder of public and private property, murder, torture, illegal imprisonment, and enslavement and deportation to slave labor of, and brutalities, atrocities, and other inhumane and criminal acts against thou-

sands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, of this Indictment, which are incorporated herein by reference and the acts charged in Paragraphs 14 to 22, inclusive, and were committed against the civilian populations of occupied territories and prisoners of war.

14. The concentration camps were the principal means through which the defendants committed the crimes charged. The WVHA took over jurisdiction of the concentration camps in Germany and the occupied countries and territories in the spring of 1942, and was charged with their operation, maintenance, and administration, and the establishment of new concentration camps. It was responsible for the food, clothing, housing, sanitation, and medical care of the inmates, and for the order, regulations, and discipline of their lives, and had power to exact the death penalty for infraction of its rules.

15. The WVHA discharged the responsibility for the supply of the forced labor and services of concentration camp inmates and the allotment of such supply to public and private employers throughout Germany and the occupied countries and territories. It also forced thousands of concentration camp inmates and other persons into employment in the various industrial, and commercial enterprises which it operated.

16. The established policy of the WVHA was to extract from the inmates of the concentration camps the greatest possible amount of work with the smallest possible amount of food, clothing, housing, sanitation, medical and surgical services, and other necessary provisions or facilities. This policy resulted, forseeably, in the deaths of thousands of people from disease or sheer physical exhaustion. For the vast majority of inmates, there was no provision for eventual release from the concentration camps, except through death, and little or no provision or plan for sustaining life in those incapable of work. Epidemics of disease were treated by killing those afflicted. As a result of this policy, the disposal of bodies of the dead became a problem of insurmountable proportions.

17. Concentration camp inmates were transported from one camp to another as the demands for labor and other circumstances might require. Thousands died on these transports from over-crowding, suffocation, hunger, thirst, cold, disease, physical exhaustion, and treatment by the SS guards. They were often forced to march long distances in cold weather with inadequate shoes and clothing.

18. The murders, torture and ill treatment charged were carried out by the defendants by divers methods, including gassing, shooting, hanging, whipping, beating, gross over-crowding, systematic undernourishment, systematic imposition of labor tasks beyond the strength

of those ordered to carry them out, medical, surgical, and biological experimentation on involuntary human subjects, criminal sterilization and castration of involuntary human subjects, inadequate provision of surgical and medical services, inadequate clothing, housing and sanitation, exposure to cold, over-work, and grossly inadequate facilities for transporting persons to and from concentration camps and labor camps.

19. In Poland, Russia, and other countries the defendants assisted in planning and carrying out the plunder, spoliation, and confiscation of real and personal property of Jewish, Russian, Polish and other private owners, of churches, communities, towns, cities, and states, the deportation to slave labor and other purposes of civilians there resident, and the resettlement of such regions by peoples asserted by the Nazis to be Aryans. The defendants systematically confiscated the personal property of living and deceased inmates of concentration camps.

20. Civilians and prisoners of war from all the countries of Europe were deported from their homelands and herded into the concentration camps; some of which were fitted with special installations, such as gas-chambers and sealed buses, for their mass execution. Countless Jews, Poles, and Russians, upon their arrival into the concentration camps, were immediately driven from the transport trains and trucks into the waiting gas-chambers, where they were exterminated. Throughout the administration of the concentration camps, the worst treatment was systematically given Jews of all nationalities and Poles and Russians.

21. The defendants assisted in planning and carrying out plans for the subjugation and extermination of entire "races" and nationalities considered inferior by the Nazi hierarchy. Clergymen, attorneys, intellectuals, and other persons were hunted down and transported to the concentration camps, where they were subjected to a calculated process of murder, torture, and ill treatment which the defendants perfected and were ever ready to administer. Experiments were carried out to determine how most efficiently to use the labor and services of the living members of undesired "races" and nationalities and to insure that such persons would be unable to propagate their kind. Inmates of concentration camps were forced to undergo castration and sterilization and to submit to experiments whose purpose was to ascertain a method by which mass sterilization of "undesirable persons" might be effected. Countless persons, including nationals of occupied territories, were murdered in the so-called "euthanasia" program of the German Reich.

22. The defendants assisted in planning and carrying out medical, surgical and biological experiments upon hundreds of involuntary human subjects, without regard to the lives of such subjects, resulting in the murder, torture, and ill treatment of hundreds of persons.

23. The said War Crimes constitute violations of international conventions, particularly Articles 3, 4, 5, 6, 7, 14, 18, 23, 43, 46, 50, 52, 55, and 56 of the Regulations respecting the Laws and Customs of War on Land, annexed to the Hague Convention of October 18, 1907, and Articles 2, 3, 4, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 36, 42, 46, 47, 48, 50, 51, 54, 56, 57, 60, 62, 63, 65, 66, 67, 68, 76, and 77 of the Prisoners of War Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

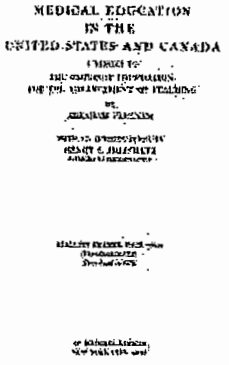
COUNT THREE — CRIMES AGAINST HUMANITY

24. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity as defined by Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of atrocities and offenses, including but not limited to murder, extermination, enslavement, deportation, illegal imprisonment, torture, persecution on political, racial and religious grounds, and ill-treatment of, and other inhumane and criminal acts against thousands of persons. These crimes embraced, but were not limited to, the particulars set out in Paragraphs 4 to 10, inclusive, and the acts charged in Paragraphs 14 to 22, inclusive, of this Indictment, which are incorporated herein by reference, and were committed against German civilians and nationals of other countries.

25. The said Crimes against Humanity constitute violations of international conventions, including the Articles of the Hague Regulations, 1907, and of the Prisoners of War Convention (Geneva, 1929) enumerated in Paragraph 23 of this Indictment, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and were declared, recognized and defined as crimes by Article II of Control Council Law No. 10.

Flexner Report

The ***Flexner Report***[1] is a book-length landmark report of medical education in the United States and Canada, written by Abraham Flexner and published in 1910 under the aegis of the Carnegie Foundation. Many aspects of the present-day American medical profession stem from the *Flexner Report* and its aftermath. The Flexner report has been criticized for introducing policies that encouraged systemic racism.[2][3][4]


MEDICAL EDUCATION
IN THE
UNITED STATES AND CANADA

The title page for the Flexner Report

The *Report*, also called Carnegie Foundation Bulletin Number Four, called on American medical schools to enact higher admission and graduation standards, and to adhere strictly to the protocols of mainstream science in their teaching and research. The report talked about the need for revamping and centralizing medical institutions. Many American medical schools fell short of the standard advocated in the *Flexner Report* and, subsequent to its publication, nearly half of such schools merged or were closed outright. Colleges in electrotherapy were closed.

Homeopathy, traditional osteopathy, eclectic medicine, and physiomedicalism (botanical therapies that had not been tested scientifically) were derided.[5]

The Report also concluded that there were too many medical schools in the United States, and that too many doctors were being trained. A repercussion of the *Flexner Report*, resulting from the closure or consolidation of university training, was the closure of all but two "negro" medical schools and the reversion of American universities to male-only admittance programs to accommodate a smaller admission pool. Universities had begun opening and expanding female admissions as part of women's and co-educational facilities only in the mid-to-latter part of the 19th century with the founding of co-educational Oberlin College in 1833 and private colleges such as Vassar College and Pembroke College.

Background

In 1904, the American Medical Association (AMA) created the Council on Medical Education (CME),[6] whose objective was to restructure American medical education. At its first annual meeting, the CME adopted two standards: one laid down the minimum prior education required for admission to a medical school; the other defined a medical education as consisting of two years training in human anatomy and physiology followed by two years of clinical work in a teaching hospital. Generally speaking, the council strove to improve the quality of medical students, looking to draw from the society of upper-class, educated students.[7]

Abraham Flexner

In 1908, seeking to advance its reformist agenda and hasten the elimination of schools that failed to meet its standards, the CME contracted with the Carnegie Foundation for the Advancement of Teaching to survey American medical education. Henry Pritchett, president of the Carnegie Foundation and a staunch advocate of medical school reform, chose Abraham Flexner to conduct the survey. Neither a physician, a scientist, nor a medical educator, Flexner held a Bachelor of Arts degree and operated a for-profit school in Louisville, Kentucky.[8] He visited every one of the 155 North American medical schools then in operation, all of which differed greatly in their curricula, methods of assessment, and requirements for admission and graduation. Summarizing his findings, he wrote:[9]

> Each day students were subjected to interminable lectures and recitations. After a long morning of dissection or a series of quiz sections, they might sit wearily in the afternoon through three or four or even five lectures delivered in methodical fashion by part-time teachers. Evenings were given over to reading and preparation for recitations. If fortunate enough to gain entrance to a hospital, they observed more than participated.

The Report became notorious for its harsh description of certain establishments, describing Chicago's fourteen medical schools, for example, as "a disgrace to the State whose laws permit its existence . . . indescribably foul . . . the plague spot of the nation." Nevertheless, several schools received praise for excellent performance, including Western Reserve (now *Case* Western Reserve), Michigan, Wake Forest, McGill, Toronto, and particularly Johns Hopkins, which was described as the 'model for medical education'.[10]

Recommended changes

To help with the transition and change the minds of other doctors and scientists, John D. Rockefeller gave many millions to colleges, hospitals and founded a philanthropic front group called "General Education Board" (GEB).[11]

When Flexner researched his report, many American medical schools were small "proprietary" trade schools owned by one or more doctors, unaffiliated with a college or university, and run to make a profit. A degree was typically awarded after only two years of study with laboratory work and dissection optional. Many of the instructors were local doctors teaching part-time. Regulation of the medical profession by state governments was minimal or nonexistent. American doctors varied enormously in their scientific understanding of human physiology, and the word "quack" was in common use.

Flexner carefully examined the situation. Using the Johns Hopkins School of Medicine as the ideal,[12] he issued the following recommendations:[13]

1. Reduce the number of medical schools (from 155 to 31) and the number of poorly trained physicians;
2. Increase the prerequisites to enter medical training;
3. Train physicians to practice in a scientific manner and engage medical faculty in research;
4. Give medical schools control of clinical instruction in hospitals
5. Strengthen state regulation of medical licensure

Flexner expressed that he found Hopkins to be a "small but ideal medical school, embodying in a novel way, adapted to American conditions, the best features of medical education in England, France, and Germany." In his efforts to ensure that Hopkins was the standard to which all other medical schools in the United States were compared, Flexner went on to claim that all the other medical schools were subordinate in relation to this "one bright spot."[14] Flexner believed that admission to a medical school should require, at minimum, a high school diploma and at least two years of college or university study, primarily devoted to basic science. When Flexner researched his report, only 16 out of 155 medical schools in the United States and Canada required applicants to have completed two or more years of university education.[15] By 1920, 92 percent of U.S. medical schools required this of applicants. Flexner also argued that the length of medical education should be four years, and its content should be what the CME agreed to in 1905. Flexner recommended that the proprietary medical schools should either close or be incorporated into existing universities. He stated that medical schools needed be part of a larger university since a proper stand-alone medical school would have to charge too much in order to break even financially.

Less known is Flexner's recommendation that medical schools appoint full-time clinical professors. Holders of these appointments would become "true university teachers, barred from all but charity practice, in the interest of teaching." Flexner pursued this objective for years, despite widespread opposition from existing medical faculty.

Flexner was the child of German immigrants, and had studied and traveled in Europe. He was well aware that one could not practice medicine in continental Europe without having undergone an extensive specialized university education. In effect, Flexner demanded that American medical education conform to prevailing practice in continental Europe.

By and large, medical schools in Canada and the United States followed many of Flexner's recommendations. However, schools have increased their emphasis on matters of public health.

Consequences of the report

Many aspects of the medical profession in North America changed following the *Flexner Report*. Medical training adhered more closely to the scientific method and became grounded in human physiology and biochemistry. Medical research aligned more fully with the protocols of scientific research.[16] Average physician quality significantly increased.[13]

Medical school closings

Flexner sought to reduce the number of medical schools in the US.[17] A majority of American institutions granting MD or DO degrees as of the date of the Report (1910) closed within two to three decades. (In Canada, only the medical school at Western University was deemed inadequate, but none was closed or merged subsequent to the Report.) In 1904, there were 160 MD-granting institutions with more than 28,000 students. By 1920, there were only 85 MD-granting institutions, educating only 13,800 students. By 1935, there were only 66 medical schools operating in the US.

Between 1910 and 1935, more than half of all American medical schools merged or closed. The dramatic decline was in some part due to the implementation of the Report's recommendation that all "proprietary" schools be closed and that medical schools should henceforth all be connected to universities. Of the 66 surviving MD-granting institutions in 1935, 57 were part of a university. An important factor driving the mergers and closures of medical schools was that all state medical boards gradually adopted and enforced the Report's recommendations. In response to the Report, some schools fired senior faculty members as part of a process of reform and renewal.[18]

Impact on African-American doctors and patients

The Flexner report has been criticized for introducing policies that encouraged systemic racism[2][3][19][20] and sexism.[4]

Flexner advocated closing all but two of the historically black medical schools. As a result, only Howard University College of Medicine and Meharry Medical College were left open, while five other schools were closed. Flexner's view was that black doctors should treat only black patients and should play roles subservient to those of white physicians. The closure of the five schools, and the fact that black students were not admitted to many U.S. medical schools for the next 50 years, has contributed to the low numbers of American-born physicians of color, and the ramifications are still felt more than a century later.[21]

Flexner's findings also restricted opportunities for African-American physicians in the medical sphere. Even the Howard and Meharry schools struggled to stay open following the Flexner Report, having to meet the institutional requirements of white medical schools, reflecting a divide in access to health care between white and African-Americans. Following the Flexner Report, African-American students sued universities, challenging the precedent set by Plessy v. Ferguson. However, those students were met by opposition from schools, who remained committed to segregated medical education. It was not until 15 years after Brown v. Board of Education in 1954 that the AAMC ensured access to medical education for African-Americans and minorities by supporting the diversification of medical schools.[22]

Along with his adherence to germ theory, Flexner argued that, if not properly trained and treated, African-Americans posed a health threat to middle and upper-class whites.[23]

> "The practice of the Negro doctor will be limited to his own race, which in its turn will be cared for better by good Negro physicians than by poor white ones. But the physical well-being of the Negro is not only of moment to the Negro himself. Ten million of them live in close contact with sixty million whites. Not only does the Negro himself suffer from hookworm and tuberculosis; he communicates them to his white neighbors, precisely as the ignorant and unfortunate white contaminates him. Self-protection not less than humanity offers weighty counsel in this matter; *self- interest seconds philanthropy*. The Negro must be educated not only for his sake, but for ours. He is, as far as the human eye can see, a permanent factor in the nation."[23]

The view that Flexner and his report were detrimental to Black medical schools is largely refuted by Thomas N. Bonner, a scholar referred to as a "distinguished historian" by the AAMC. Bonner contended that Flexner worked to save the two Black medical schools that were graduating most of the Black physicians at that time.[24]

Impact on alternative medicine

When Flexner researched his report, "modern" medicine faced vigorous competition from several quarters, including osteopathic medicine, chiropractic medicine, electrotherapy, eclectic medicine, naturopathy, and homeopathy.[25] Flexner clearly doubted the scientific validity of all forms of medicine other than that based on scientific research, deeming any approach to medicine that did not advocate the use of treatments such as vaccines to prevent and cure illness as tantamount to quackery and charlatanism. Medical schools that offered training in various disciplines including electromagnetic field therapy, phototherapy, eclectic medicine, physiomedicalism, naturopathy, and homeopathy, were told either to drop these courses from their curriculum or lose their accreditation and underwriting support. A few schools resisted for a time, but eventually most complied with the Report or shut their doors.[26]

Impact on osteopathic medicine

Although almost all the alternative medical schools listed in Flexner's report were closed, the American Osteopathic Association (AOA) brought a number of osteopathic medical schools into compliance with Flexner's recommendations to produce an evidence-based practice. The curricula of DO- and MD-awarding medical schools are now nearly identical, the chief difference being the additional instruction in osteopathic schools of osteopathic manipulative medicine.

Impact on role of physician

The vision for medical education described in the Flexner Report narrowed medical schools' interests to disease, and not on the system of health care or society's health beyond disease. Preventive medicine and population health were not considered a responsibility of physicians, bifurcating "health" into two separate fields: scientific medicine and public health.[27]

See also

- Committee of Ten

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Exhibit 25

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

RICHARD ARJUN KAUL, MD

Propria Persona Plaintiff

v.

UC SAN DIEGO PACE PROGRAM
ALBERT Y. LEUNG, MD

CASE NO: '23CV0955 RBM DEB

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

RICHARD ARJUN KAUL, MD
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PRELIMINARY STATEMENT

1. This case pertains to the perpetration by Defendants Albert Leung (**"Leung"**) and UC San Diego PACE Program (**"PACE"**), the latter a for-profit corporation operating under the auspices of the UCSD School of Medicine, of a knowingly fraudulent scheme (**"PACE Scheme"**) that egregiously violated, and continues to violate the human/constitutional rights of Plaintiff, Richard Arjun Kaul (**"Kaul"**).

2. The Defendants perpetrated this offense by the issuance on October 17, 2022, of a knowingly fraudulent physician assessment report, related to Kaul's application and May 27, 2020, grant of a medical license in the State of Pennsylvania.

3. The Defendants motivation was profit and the maintenance of favorable commercial relations with one of its largest referral sources, the Federation of State Medical Boards (**"FSMB"**) a for profit corporation, of which all state medical boards are members, and a corporation that controls the multi-billion-dollar business of physician licensing, disciplining and continuing education.

4. Kaul commenced suit in the United States District Court against the FSMB in 2019 on anti-trust/racketeering/civil rights charges, and thus levied a threat against the commercial interests of the Defendants, who responded by issuing a knowingly false legal instrument.

5. Similarly, Defendant PACE is motivated to fail applicants, as it provides a basis on which to entangle physicians in an endless series of extremely expensive, and

fraudulently based continuing education courses, from which Defendant PACE continues to profit.

6. This case includes highly incriminating audio evidence, that only emerged in this case because the initial part of the assessment was conducted virtually, due to COVID restrictions. Prior to the pandemic, the entire assessment was performed on-site, and the only retained record was that in the possession of Defendant PACE, a record that they would routinely refuse to provide to physicians. In fact, in this case, Kaul's multiple requests to be provided a copy of the record of the second, on-site part of the assessment course, have either been ignored or addressed with further knowingly fraudulent statements of obfuscation. The other reason as to why previously aggrieved physicians did not seek recompense, was their lack of funds to initiate litigation and or their ability to commence suit without counsel.

7. The method employed by the Defendants in the perpetration of the **"PACE Scheme",** involved the commission of knowingly fraudulent acts, through and under the cover of an agency of the State of California, that of UCSD School of Medicine. Defendant PACE's misconduct in this case represents a continuation of its prior **"pattern"**, in which it has disproportionately targeted physicians from ethnic minorities and foreign medical graduates. Kaul is a citizen of India and graduated from the University of London.

8. This case seeks compensatory/punitive/consequential damages, and endeavors to expose for the purposes of rectification, a serious and concerted, profit-purposed violation of human/constitutional rights of physicians and abuse of

power, that further decimates the lives of physicians, their families, and their patient populations.

Exhibit 26

A Conversation with Dr. Emanuel Garcia in New Zealand

TRANSCEND MEMBERS (https://www.transcend.org/tms/category/transcend-members/), 27 Dec 2021

Tessa Lena | Substack – TRANSCEND Media Service (https://www.transcend.org/tms/author/?a=Tessa%20Lena)

24 Dec 2021 – This story is about a brave and classy human being and a medical doctor in New Zealand, who had his medical license suspended and was forced to retire due to his opposition to mandates and his general sense of dignity and a lack of desire to fold under the boot.

His name is Dr. Emanuel Garcia. He is a psychiatrist and an accomplished writer. Dr. Garcia got his medical degree from the University of Pennsylvania School of Medicine in 1986. He had a successful career in psychiatry and psychoanalysis in the U.S.—and then in 2006, he immigrated to New Zealand where he practiced medicine until it became impossible to follow the official rules with a straight face. Once the pandemic narrative and measures stopped making any sense, Dr. Garcia called for scientific rigor and adhering to medical ethics—which led to a suspension of his license.

I had the joy of interviewing Dr. Garcia a week or so ago for my podcast, *Make Language Great Again*, and I am very happy to share the interview. Dr. Garcia and I talked about the state of medicine and the state of collective courage—as well as about his novels and theater work (the latter currently on hold due to medical apartheid). In fact, Dr. Garcia is particularly keen on the importance of keeping our heads high and staying creative in the face of whatever totalitarianism we face.

Before you watch the interview, please read Dr. Garcia's recent talk below, published on Transcend Media Service (https://www.transcend.org/tms/2021/12/a-covid-letter-from-aotearoa/):

> *It has been approximately two years since the virus that changed our world so suddenly and completely made its appearance in a far-away place in China. We were told that it jumped from a bat — cooked or uncooked, I couldn't say – and we were soon thereafter shown pictures of soldiers hosing down the streets of Wuhan with disinfectant chemicals, and locking people up in their apartments.*
>
> *We have been made to believe that this pathogen was so deadly that **billions** of people needed to be locked away for long periods of time around the world, prevented from travel, pleasure and association. We were and have been daily assailed by numbers – the numbers of those 'testing positive' for COVID, the number of those dying from – or with? – COVID, day after day, over and over and over. Numbers, numbers, numbers, however dubious, numbers that kept marching on thanks to the mouthpieces of our 'trusted' Media.*
>
> *Medical emergencies were declared worldwide but, strangely enough, these medical emergencies did NOT instigate a magnificent and powerful joining of forces to find a **cure** for this terrible infection, they did not result in concerted attempts to **treat** those who had fallen ill in order to prevent hospitalisation and death – no. In fact, governments around the world, including ours here in New Zealand, have actively worked **against** attempts by physicians to do what they were trained to do and what they swore oaths to do. Instead, world governments flexed their muscles to create unparalleled fear, to restrict, curtail and impinge upon human liberties and autonomy, to prevent us from associating freely with each other, and to convince us that the ONLY WAY to return to a normal which would never again be normal was to accept inoculations which they call vaccines but which neither prevent transmission nor infection of the virus they are supposed to be protecting us against.*
>
> *At the same time the specific ingredients of these so-called vaccines are shrouded in secrecy, as are the*

devastation.

And what do we have now in our beloved Aotearoa? A never ending atmosphere of fear, the never ending threat that the liberties not yet impinged upon by our government can at any moment be extirpated. We are told to wear masks, we are told to keep our distance from each other, we are made to feel that we human beings are dangerous to one another. We are now, sorrowfully enough, told that those who have exercised their right NOT to take into their sacred bodies a biological agent they have grave doubts about are somehow 'unclean' and should be discriminated against, should be segregated, and according to some of those in government, should actually be punished for daring to believe that they have a right to refuse a medical intervention – a right that has been specified in the Nuremberg Code and in the New Zealand Bill of Rights. The unjabbed cannot now go to a movie or a play or a hairdresser or a rugby match or a restaurant or a cafe – all ostensibly in the service of 'health'.

When has a healthy person ever been considered a danger before? What do those who are already jabbed have to fear from those who are not? Does any of this make any rational sense?

I ask you, is this the society we all wish to live in, is this the kind of life we wish to have for ourselves – a life controlled by governmental authority that has had the moronic audacity to declare itself a 'single source of truth', a life that will be governed by fear, anxiety, loss of liberty, freedom and essential human pleasure, a life where any ***debate*** *about any aspects of health is ruthlessly suppressed?*

Doctors who have questioned the rationale of COVID policies, who have questioned the wisdom of locking people down, who have questioned the safety of the inoculations, who have dared to promote natural immunity, who have begged for early treatments which are available and effective, who have suffered to learn of and have called attention to the many adverse effects and deaths reported in those who have been inoculated – these doctors are under 'investigation' by their Councils and have had licences suspended.

I am one such doctor. Thankfully I have taken steps to dissociate myself completely from the medical establishment, after having served for nearly sixteen years in the public health sector as a psychiatrist here in New Zealand and in the fifteen years before I emigrated to Aotearoa, as a psychiatrist and psychoanalyst in the United States of America.

However, despite all of the gathered and vicious opposition, there are many people who have worked heroically to encourage prevention, to establish early treatment protocols, to analyse the consequences of coercive measures, and to look with real science at the virus and the hastily developed 'vaccines'. There are many people who celebrate their humanity by refusing to be duped by the dance of absurdities – mask at the counter, mask off at the table, mask outdoors while riding a bike, one meter, two meters, one and a half meters, mask under the nose is okay, a healthy person is really sick or potentially sick, vaccines really don't have to prevent you from getting the bug, natural immunity won't work – and on and on and on. It's really ALL in the absurdities, isn't it, because once they can get us to believe their patent absurdities, they can get us to do anything – like participating in apartheid under the guise of 'health and safety'.

In the true spirit of science and human morality we should be asking questions, questions about everything. And the question above all we must ask ourselves is whether we value life and liberty over fear, control, segregation and slavery.

Here is our interview:

Dr. Garcia is a member of New Zealand Doctors Speaking out with Science (https://nzdsos.com/)(NZDSOS). Here is a video of their press conference that took place in November.

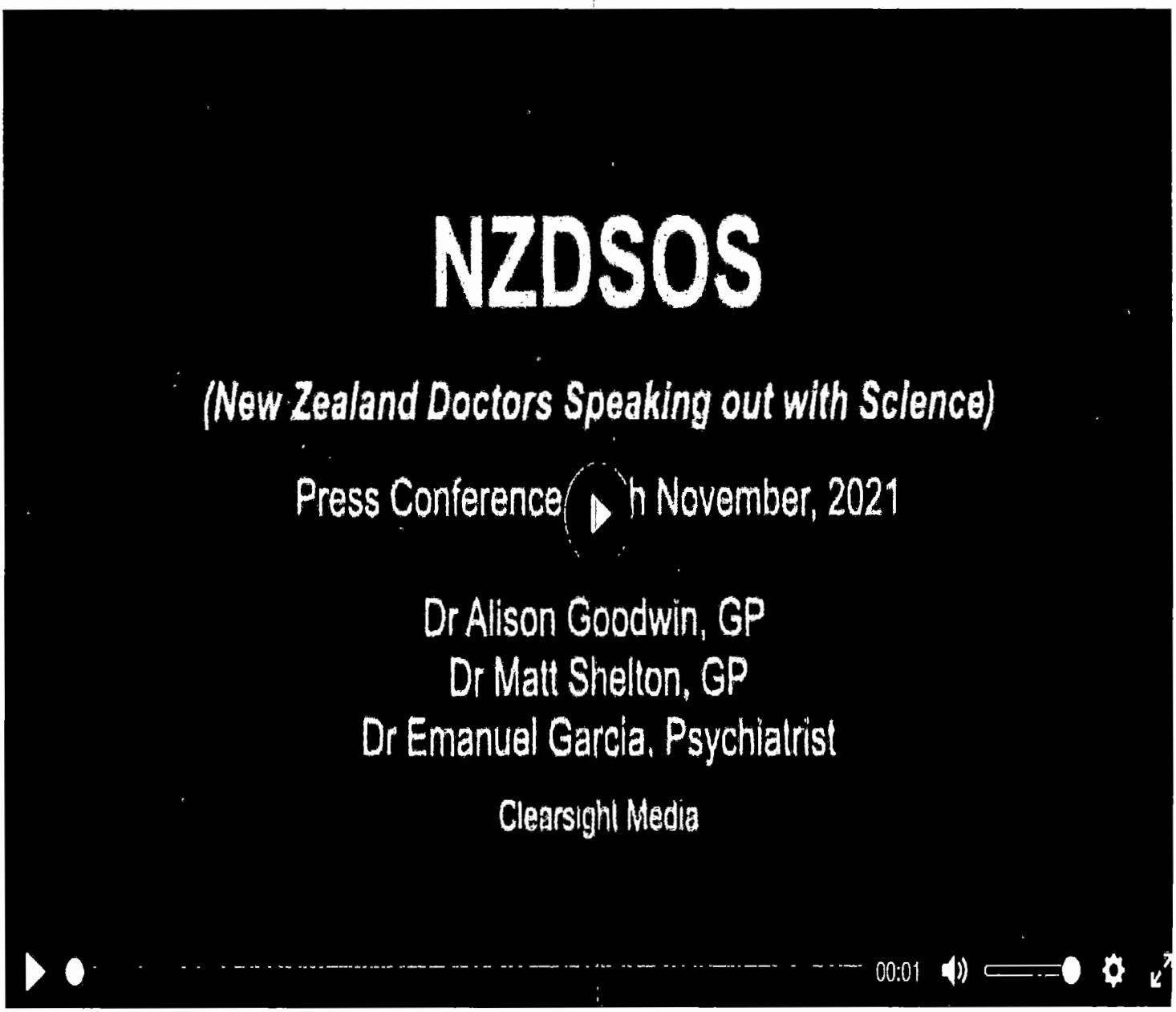

Exhibit 27

August 1, 2019

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Claudia Kemp, JD
Executive Director
Department of Health
4052 Bald Cypress Way, BIN #C03
Tallahassee, FL 32399-3253

Re: Feldman/Kaul v Federation of State Medical Boards et al.,
Pre-litigation investigation

Dear Ms. Kemp,

We write this letter in regard to the above matter, a lawsuit that will be filed in the United States District Court, within the next four weeks. A central purpose of the action is to ascertain whether the current system of physician regulation by state medical boards is legal, in light of their commercial relationships with the Federation of State Medical Boards, a for-profit, non-governmental agency. The litigation will also permit us to answer the question of whether state medical boards do or do not "**protect the public**", and whether medical boards have contributed to the current epidemic of physician suicides in the United States. Our initial research indicates that within the last forty years no evidence or epidemiological studies have demonstrated any relationship between the welfare of the public and the activities of state medical boards. In fact, and not unsurprising to us and many physicians with whom we have discussed this issue, there appears to be a substantial body of anecdotal evidence that directly connects patient harm to medical board actions. We are conducting further research on the causative relationship between physician suicides and state medical board actions, but thus far, it indicates a statistically significant association.

It is thus in regard to the above issues and in your purported mission to "**protect the public**", that we hope you will **collaborate** with our efforts, which are of immense public interest, and the evidence of which we believe will cause what is now being widely referred to as a "**Reformation of American Medical Boards.**"

We would therefore respectfully and in a spirit of collegiality request you provide answers to the following information:

1. Is there within your possession, the possession of any members of the medical board or the medical board itself, any evidence, data, studies, memos or any information of any sort of nature that constitutes evidence or might lead to the production of evidence, that might in any manner might suggest, demonstrate or prove that the medical board has protected patients and or made the public safer. The period in question is from 1960 to 2019.

2. Is there within your possession, the possession of any members of the medical board, any of the associated legal/non-legal regulatory staff or the medical board itself, any evidence, data, studies, memos or any information of any sort of nature that constitutes evidence or might lead to the production of evidence, that might in any manner suggest, demonstrate or prove that the medical board has been identified as a culpable party in the suicide of any physicians subjected to any type of board action ranging from a warning letter to a revocation. The period in question is from 1960 to 2019.

3. Has the medical board, its members or any of the associated legal/non-legal regulatory staff ever been named in any state or federal legal notices and or lawsuits pertaining to any action taken by the board against any licensees, including the estates of those physicians that have committed suicide. The period in question is 1960 to 2019.

4. Could you please identify whether the board's process of physician regulation complies with the due process clauses of the United States Constitution, and if not what remedial programs have been instituted to remedy these unlawful defects, and when they were implemented.

5. Does your medical board comply with the terms of board supervision set forth by the Federal Trade Commission in October 2015, in the wake of North Carolina Board of Dental Examiners v. Federal Trade Commission, 13-534 (2015).

6. Is the medical board a signatory to the interstate agreement promulgated by the Federation of State Medical Boards, and if not does it participate/communicate or share any confidential information in any manner with the F.S.M.B., pertaining to any of its licensees or policies of physician regulation. The period in question is 1960 to 2019.

7. Does the medical board or any of its executive, regulatory or physician members, receive or provide monies/grants/honorariums or any other material benefit from or to the F.S.M.B or any of its agents. The period in question is 1960 to 2019.

8. Has the medical board or any of its executive, regulatory or physician members received or provided monies/grants/honorariums or any other material benefit from or to the F.S.M.B or any of its members. The period in question is 1960 to 2019.

We hope to be able to collaborate with you, the people of your state and your state legislature, in order to demonstrate to the public that their monies, used to fund medical boards, actually serve a purpose.

We would ask that this information, which if it exists, would be immediately available, and thus be provided to us via e-mail, by August 8, 2019: drrichardkaul@gmail.com.

If, however, we do not receive the requested information we will conclude that:

1. You have no evidence to prove that you do or ever have protected the public in your state.
2. You have been the subject of state and or federal litigation, in which the issue of physician suicide was a component.
3. Your medical board is configured and operates in violation of the due process clauses of the United States Constitution.
4. Your medical board is not in compliance with the anti-trust purposed FTC supervision regulations, as referenced above in point 5.
5. The medical board is a signatory to the interstate agreement, and shares confidential licensee information with the F.S.M.B.
6. The medical board and its executive, regulatory and physician members have received or provided monies to the F.S.M.B. and or their agents.

We thank you in advance for prompt attention to this matter.

Should you have any questions please call on 201 989 2299 or e-mail at drrichardkaul@gmail.com

Yours sincerely

R. K.

Richard Arjun Kaul, MD

Arnold Erwin Feldman, MD

cc: Office of Governor Ron DeSantis
PL 05 The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

UNITED STATES DISTRICT COURT
for the District of New Jersey [LIVE
Camden, NJ

Richard Arjun Kaul, et al.

Plaintiff,

v.

Case No.:
1:20-cv-18853-NLH-AMD
Magistrate Judge Ann Marie Donic

FEDERATION OF STATE MEDICAL BOARDS, et al.

Defendant.

ORDER FOR SCHEDULING CONFERENCE

TO: All Counsel

IT IS on this Day December 16, 2020 ORDERED THAT:

(1) A Scheduling Conference shall be conducted before the undersigned at the Mitchell H. Cohen Building and U.S. Courthouse in Camden, Camden – Room 2010 on January 26, 2021 at 12:00 PM. See Fed. R. Civ. P. 16 and Local Civil Rule 16.1. The purpose of the conference is to focus counsel's attention on the issues actually in dispute and arrive at a schedule to manage discovery. The Court strives in all cases for a just, speedy and inexpensive determination of every action. Fed. R. Civ. P. 1. COUNSEL MUST BE PREPARED TO COMPLETE ALL DISCOVERY AND BE READY FOR TRIAL WITHIN SIX (6) TO EIGHT (8) MONTHS OF THE SCHEDULING CONFERENCE IN MOST CASES. The Scheduling Order will reflect these goals.

(2) The form and timing of the disclosure requirements in Fed. R. Civ. P. 26 (a)(1) and L. Civ. R. 26.1 shall be followed. COUNSEL SHOULD NOT FILE THEIR DISCLOSURE ON CM/ECF.

(3) At least twenty-one (21) days prior to the conference scheduled herein, counsel shall confer pursuant to Fed. R. Civ. P. 26 (f). The parties shall submit a Joint Discovery Plan to the undersigned using the attached form no later than the time period provided for in L.Civ.R. 26.1(b)(2). Prior to the Rule 26 (f) conference, counsel shall also comply with Local Civil Rule 26.1 (d) concerning discovery of digital information. The form to be used for the Joint Discovery Plan can be retrieved from: http://www.njd.uscourts.gov/sites/njd/files/R16DiscoveryPlanCamONLY.pdf.

(4) Counsel are further advised that unless the parties stipulate otherwise, and the Court concurs, the Rules limit the number of interrogatories (25) and depositions (10) which each party may seek. See Rules 26 (b), (d). Fed. R. Civ. P. 30 (d) (2) limits depositions to one day of seven hours. The Court may also regulate the conduct of depositions. See Hall v. Clifton Precision, 150 F.R.D. 525 (E.D. PA. 1993); Fed. R. Civ. P. 30(d) (1).

(5) At the conference with the Court, all parties who are not appearing pro se shall be

represented by counsel who shall be familiar with the file and shall have full authority to bind their clients in all pre–trial matters. Counsel shall also be prepared to discuss settlement. Clients or persons with authority over the matter shall be available by telephone. See Local Civil Rule 16.1 (a)(4);

(6) Counsel shall consult with their clients before the conference and be prepared to advise the Magistrate Judge whether the parties consent to trial before the Magistrate Judge. Local Civil Rule 73.1 (a).

(7) Counsel shall discuss with clients the Court's mediation program. L.Civ.R. 301.1 (see attached notice). The Court will discuss mediation and other ADR options at the Initial Scheduling Conference.

(8) Counsel for plaintiff(s) shall notify any party who hereafter enters an appearance, of the above conference and forward to that party a copy hereof, together with a copy of any Scheduling Order entered as a result of this conference.

(9) The parties shall advise the District Judge and Magistrate Judge immediately if this matter has been settled or terminated so that the above conference may be cancelled.

(10) Failure to comply with the terms hereof may result in the imposition of sanctions.

(11) Counsel are further advised that communications to the Court by FAX will be accepted. All communications to the Court shall be in writing or by telephone conference with prior approval.

Magistrate Judge Ann Marie Donio

ALTERNATIVE DISPUTE RESOLUTION
IN THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Mediation is the Alternative Dispute Resolution ("ADR") program in this Court. Mediation is governed by Local Civil Rule 301.1. The mediation program under this rule is supervised by a judicial officer (at present United States Magistrate Judge Madeline Cox–Arleo) who is available to answer any questions about the program.

Any district judge or magistrate judge may refer a civil action to mediation. This may be done without the consent of the parties. However, the Court encourages parties to confer among themselves and consent to mediation. Moreover, you are reminded that, when counsel confer pursuant to Rule 26 (f) of the Federal Rules of Civil Procedure and Local Civil Rule 26.1, one of the topics that must be addressed is the eligibility of a civil action for participation in ADR.

A civil action may be referred to mediation at any time. However, one of the advantages of mediation is that, if successful, it enables parties to avoid the time and expense of discovery and trial. Accordingly, the Court encourages parties to consent to mediation prior to or at the time that automatic disclosures are made pursuant to Rule 26 (a) (1) of the Federal Rules of Civil Procedure.

If parties consent to mediation, they may choose a mediator either from the list of certified mediators maintained by the Court or by the selection of a private mediator. If a civil action is referred to mediation without consent of the parties, the judicial officer responsible for supervision of the program will select the mediator.

Mediation is non–judgmental. The role of the mediator is to assist the parties in reaching a resolution of their dispute. The parties may confer with the mediator on an ex parte basis. Anything said to the mediator will be deemed to be confidential and will not be revealed to another party or to others without the party's consent. The mediator's hourly rate is $300.00, which is borne equally by the parties.

If you would like further information with regard to the mediation program please review the Guidelines for Mediation, which are available on the Court's Web Site www.njd.uscourts.gov and appear as Appendix Q to the Local Civil Rules. You may also make inquiries of the judicial officer responsible for supervision of the program.

Civil actions in which there are pro se parties (incarcerated or not) are not eligible for mediation.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Richard Arjun Kaul, et al.

Plaintiff,

v.

Case No.:
1:20–cv–18853–NLH–AMD
Magistrate Judge Ann Marie Donio

FEDERATION OF STATE MEDICAL BOARDS, et al.

Defendant.

JOINT PROPOSED DISCOVERY PLAN

A fillable copy of this form can be located at
http://www.njd.uscourts.gov/sites/njd/files/R16DiscoveryPlanCamONLY.pdf

1. Set forth the name of each attorney appearing, the firm name, address and telephone number and facsimile number of each, designating the party represented.

2. Set forth a brief description of the case, including the causes of action and defenses asserted.

3. Have settlement discussions taken place? Yes _____ No _____

(a) What was plaintiff's last demand?

(1) Monetary demand: $ _____
(2) Non–monetary demand: _____

(b) What was defendant's last offer?

(1) Monetary offer: $ _____
(2) Non–monetary offer: _____

4. The parties [have _____ have not _____] met pursuant to Fed. R. Civ. P. 26(f):

5. The parties [have _____ have not _____] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.

6. Explain any problems in connection with completing the disclosures required by Fed. R. Civ. P. 26(a)(1)

7. The parties [have _____ have not _____] conducted discovery other than the above disclosures. If so, describe.

8. Proposed Joint Discovery Plan:

(a) Discovery is needed on the following subjects:

(b) Discovery [should _____ should not _____] be conducted in phases or be limited to particular issues. Explain.

(c) Proposed schedule:

(1) Fed. R. Civ. P. 26 Disclosures _____.

(2) E–Discovery conference pursuant to L. Civ. R. 26.1(d)_____.

(3) Service of initial written discovery _____.

(4) Maximum of _____ Interrogatories by each party to each other party.

(5) Maximum of _____ depositions to be taken by each party.

(6) Motions to amend or to add parties to be filed by _____.

(7) Factual discovery to be completed by _____.

(8) Plaintiff's expert report due on _____.

(9) Defendant's expert report due on _____.

(10) Expert depositions to be completed by _____.

(11) Dispositive motions to be filed by _____.

(d) Set forth any special discovery mechanism or procedure requested.

(e) A pretrial conference may take place on _____.

(f) Trial date: _____ (_____Jury Trial; _____ Non–Jury Trial).

9. Do you anticipate any special discovery needs (i.e., videotape/telephone depositions, problems with out–of–state witnesses or documents, etc)? Yes _____No_____.
If so, please explain.

10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced?
Yes _____ No _____.

If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.

11. Do you anticipate entry of a Discovery Confidentiality Order? See L.Civ.R. 5.3(b) and Appendix S.
Yes _____ No _____.

12. Do you anticipate any discovery problem(s) not listed above? Describe.
Yes _____ No _____.

13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise). If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after

disposition or dispositive motions, etc.).

14. Is this case appropriate for bifurcation? Yes _____ No _____

15. An interim status/settlement conference (with clients in attendance), should be held in _____.

16. We [do _____ do not _____] consent to the trial being conducted by a Magistrate Judge.

17. Identify any other issues to address at the Rule 16 Scheduling Conference.

_____
Attorney(s) for Plaintiff(s) / Date

_____
Attorney(s) for Defendant(s) / Date

Other Events

1:20-cv-18853-NLH-AMD KAUL et al v. FEDERATION OF STATE MEDICAL BOARDS et al

PROSE

Paper recipients: 4 Mailing Labels

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 12/16/2020 at 8:50 AM EST and filed on 12/16/2020

Case Name: KAUL et al v. FEDERATION OF STATE MEDICAL BOARDS et al
Case Number: 1:20-cv-18853-NLH-AMD
Filer:
Document Number: 154

Docket Text:
Clerk's Letter: Attorneys are not admitted to the Federal Bar of New Jersey. Notice has been mailed to the attorneys' addresses. (dd,)

1:20-cv-18853-NLH-AMD Notice has been electronically mailed to:

Caroline E Oks coks@gibbonslaw.com

MICHAEL A. KOTULA michael.kotula@rivkin.com

ROBERT J. MCGUIRE robert.mcguire@dol.lps.state.nj.us, themcgs1@gmail.com, ef-judpros@dol.lps.state.nj.us

KENNETH M. BROWN kbrown@wglaw.com

DAVID FOSTER HERMAN dherman@atllp.com, david-herman-8332@ecf pacerpro.com, gconroy@armstrongteasdale.com

THOMAS JOSEPH CAFFERTY nlowy@gibbonslaw.com, tcafferty@gibbonslaw.com, ljames-weir@gibbonslaw.com, mkhoyan@gibbonslaw.com

1:20-cv-18853-NLH-AMD Notice has been sent by regular U.S. Mail:
Edward George Sponzilli (908) 722-0755
NOMI IRENE LOWY
SCARINCI HOLLENBECK
1100 VALLEY BROOK AVENUE
PO BOX 790
LYNDHURST NJ 07071

NOMI IRENE LOWY
SCARINCI HOLLENBECK
1100 VALLEY BROOK AVENUE
PO BOX 790
LYNDHURST NJ 07071

Richard Arjun Kaul
440 c Somerset Drive
Pearl River NJ 10965
US
ARNOLD ERWIN FELDMAN
2000 Cheney Highway
Suite 103, #273
Titusville FL 32780
US

UNITED STATES DISTRICT COURT
for the District of New Jersey [LIVE]
Camden, NJ

Richard Arjun Kaul, et al.

Plaintiff,

v.

Case No.:
1:20-cv-18853-NLH-AMD

FEDERATION OF STATE MEDICAL BOARDS, et al.

Defendant.

Dear Out of State Counsel:

Please be advised, our records show that you are not a member of the Federal Bar of New Jersey. Therefore, you are responsible for having a member of the Bar of this Court file an appearance in accordance with Local Civil Rule 101.1 on behalf of your client.

Very truly yours,

William T. Walsh, Clerk
By Deputy Clerk, dd

Other Orders/Judgments

1:20-cv-18853-NLH-AMD KAUL et al v. FEDERATION OF STATE MEDICAL BOARDS et al

PROSE

Paper recipients: 4 Mailing Labels

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered on 12/16/2020 at 9:03 AM EST and filed on 12/16/2020

Case Name: KAUL et al v. FEDERATION OF STATE MEDICAL BOARDS et al
Case Number: 1:20-cv-18853-NLH-AMD
Filer:
Document Number: 155

Docket Text:
Order Initial Conference set for 1/26/2021 12:00 PM in Camden - Room 2010 before Magistrate Judge Ann Marie Donio. Signed by Magistrate Judge Ann Marie Donio on 12/16/2020. (cry,)

1:20-cv-18853-NLH-AMD Notice has been electronically mailed to:

Caroline E Oks coks@gibbonslaw.com

MICHAEL A. KOTULA michael.kotula@rivkin.com

ROBERT J. MCGUIRE robert.mcguire@dol.lps.state.nj.us, themcgs1@gmail.com, ef-judpros@dol.lps.state.nj.us

KENNETH M. BROWN kbrown@wglaw.com

DAVID FOSTER HERMAN dherman@atllp.com, david-herman-8332@ecf.pacerpro.com, gconroy@armstrongteasdale.com

THOMAS JOSEPH CAFFERTY nlowy@gibbonslaw.com, tcafferty@gibbonslaw.com, ljames-weir@gibbonslaw.com, mkhoyan@gibbonslaw.com

1:20-cv-18853-NLH-AMD Notice has been sent by regular U.S. Mail:
Edward George Sponzilli (908) 722-0755
NOMI IRENE LOWY
SCARINCI HOLLENBECK
1100 VALLEY BROOK AVENUE
PO BOX 790
LYNDHURST NJ 07071

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PO BOX 790
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Richard Arjun Kaul
440 c Somerset Drive
Pearl River NJ 10965
US
ARNOLD ERWIN FELDMAN
2000 Cheney Highway
Suite 103, #273
Titusville FL 32780
US

ADVOCATES

N. K. Bhatnagar
Advocate

Tolstoy Lane
Connaught Place
New Delhi-110001
E-mail : nkb@nkblegal.com
URL : www.nkblegal.com
Tel.: 011-43103773

16 December 2022

Through E-mail/ Post/Fedex
Without Prejudice

To

1. The Intercontinental Exchange (ICE)
   The Skyview
   9th Floor Unit No. 09th & 11th Floor
   Gachibowli, Ranga Reddy
   Raidurg Village,
   Hyderabad 500081
   Telangana, India

2. Intercontinental Exchange Inc.
   5660 New Northside Drive NW
   3rd Floor
   Atlanta, GA 30328
   USA
   +1-770-857-4700

   also at:
   11 Wall Street
   New York
   NY 10005
   USA
   +1-212-3000

Sir/Madam

Sub: Legal Notice prior to commencement of Litigation Proceedings on behalf of Dr. Richard A. Kaul.

1. We act for and on behalf of our client Dr. Richard A. Kaul and under instructions of our client, serve upon you the present Legal Notice, which is being served primarily to you the Noticee No. 1 above and to you the Noticee No. 2 as the parent/holding company of the Noticee No. 1. The present Legal Notice is being served by way of abundant caution to apprize you of the intent of my client to initiate appropriate Legal Proceedings before the Court of competent jurisdiction in India or elsewhere, for and on account of reasons set out below in this Legal Notice.

N. K. BHATNAGAR
ADVOCATE
Managing Partner
NKB LEGAL-Advocates & Legal Consultants
1st Floor, 50 Janpath, Tolstoy Lane,
Connaught Place, New Delhi-110001
Tel: 011-43103773

2. You the Noticee No. 2 are the parent Company of the Indian subsidiary, i.e. the Noticee No. 1 herein and hence equally liable for the acts, deeds and omissions of the Noticee No. 1 as well.

3. Please be notified that you the Noticees No. 1 and 2 have inter alia committed legal violations by way of hatching a conspiracy against our client through collusion with the Indian subsidiary of Allstate Insurance Company, namely Allstate Solutions Private Limited who continues to violate the legal rights of our client and against whom our client has already initiated suitable legal proceedings before the Court of competent jurisdiction in India. It is a reasonable suspicion and apprehension of our client that you the Noticee No. 1, on behest of the Noticee No. 2 and under collusion with Allstate Insurance and its subsidiaries, acted in a manner prejudicial to our client bringing him reputational and vocational losses in addition to pecuniary losses and defamation.

4. Please be informed that our client has sufficient material and reasonable grounds to form a valid opinion that the legal rights to which he is entitled, under the Constitution of India, being an Indian National are being wrongfully suppressed and adversely affect his right to property and the right to livelihood and life in India. It is the belief of our client that you the Noticee No. 1 have been running a false propaganda through digital and non-digital modes of communication with the Indian Territory directly causing perjury to our client.

5. Please be informed that you the Noticee No. 1, acting on behest of the Noticee No. 2 have colluded with Allstate Insurance which is impleaded as a Defendant in Lawsuit No. K11-5 before the Court of competent jurisdiction in USA and its Indian Subsidiary which is the Defendant in another Lawsuit filed before the Hon'ble City Civil Court Bangalore, and in collusion you the Noticee No. 1 have effectuated a schematic approach to thwart the economic resurgence of our client, and have inter alia used modern technology including the internet to propagate defamatory articles regarding our client's character and competence as a physician, and casting aspersions on the medical acumen of our client clearly with an intent to damage his reputation and possibilities of professional progression in India. Please take

V. K. BHAYNAGAR
ADVOCATE
Managing Partner
KB LEGAL - Advocates & Legal Consultants
1st Floor, 50 Janpath, Tolstoy Lane,
Connaught Place, New Delhi-110001
Tel: 011-43103773

notice that these practices amount to misconduct and violate our client's legal rights under the Indian Constitution.

6. You the Noticees No. 1 and 2, are therefore, in your own interest advised to refrain yourself from indulging into such defamatory malpractices in collusion with any other entity including but not limited to Allstate Insurance or otherwise. In the event of your failure to cease and desist from continuing with the malpractices pointed out herein in the present Legal Notice, we have definite instructions from our client to initiate appropriate legal actions against you the Noticees No. 1 and 2, entirely at your own risk, cost and peril. Our client reserves its rights to claim suitable legal damages and compensation and also claim the charges incurred towards this Legal Notice amounting to USD 750 (Seven Hundred and Fifty US Dollars).

In above terms we serve upon you the present Legal Notice advising you to immediately Cease and Desist from publishing, promoting and promulgating and adverse, damaging and negative material against our client Dr. Richard A. Kaul and if at any juncture it is further observed that you the Noticees No. 1 and 2, have either under collusion or influence of any other third party or otherwise, caused any reputational harm or damage to our Client, we shall be constrained to initiate suitable Legal Actions against you the Noticees No. 1 and 2.

Please ne notified accordingly.

Yours Sincerely

Bhatnagar, N.K.
Advocate

N. K. BHATNAGAR
ADVOCATE
Managing Partner
NKB LEGAL- Advocates & Legal Consultants
1st Floor, 50 Janpath, Tolstoy Lane,
Connaught Place, New Delhi-110001
Tel: 011-43103773