

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA**

AMERICA’S FRONTLINE)
DOCTORS, ETC.; and)

DR. SCOTT JENSEN, MD,)
Individually; and)

ELLEN MILLER,)
Individually and as Guardian of)
3 Minor Siblings; and)

Case No. _____

JODY SOBCZAK,)
Individually and as Father of)
2 Minor Children; and)

**PETITION FOR TEMPORARY
RESTRAINING ORDER**

DEBORAH SOBCZAK,)
Individually and as Mother of)
2 Minor Children; and)

LYLE BLOOM,)
Individually and as Father of)
2 Minor Children; and,)

JULIE BLOOM,)
Individually and as Mother of)
2 Minor Children; and)

ANDREA MCFARLANE, RN)
Individually and as Mother of)
4 Minor Children; and)

JENNIFER GREENSLADE,)
Individually and as Mother of)
2 Minor Children; and)

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| |) |
| STEVEN M. ROTH, MD, |) |
| Individually; and |) |
| |) |
| MATT SCHWEDER, |) |
| Individually and as Father of |) |
| a Minor Child. |) |
| |) |
| Plaintiffs, |) |
| |) |
| vs. |) |
| |) |
| XAVIER BECERRA, Secretary of |) |
| the U.S. Department of Health |) |
| and Human Services, and U.S. |) |
| DEPARTMENT OF HEALTH |) |
| AND HUMAN SERVICES, AND |) |
| John & Jane Does I-V; Black & |) |
| White Partnerships; and ABC |) |
| Corporations I-V, |) |
| |) |
| Defendants. |) |

“The Constitution of this Republic should make special provision for medical freedom. To restrict the art of healing to one class will constitute the Bastille of medical science. All such laws are un-American and despotic. ... Unless we put medical freedom into the constitution the time will come when medicine will organize into an undercover dictatorship and force people who wish doctors and treatment of their own choice to submit to only what the dictating outfit offers.” Attributed to Dr. Benjamin Rush – Founding Father, signer of the Declaration of Independence and personal physician to George Washington.

“The more it (vaccination) is supported by public authorities, the more will its dangers and disadvantages be concealed or denied.” M. Beddow Bayly – Physician.

“Kids are one third of our population and all of our future. Kids are never the experiment. Protect the Children.” AFLDS.

PETITION FOR TEMPORARY RESTRAINING ORDER

I. SUMMARY

Plaintiffs bring before the Court today a request for a Temporary Restraining Order (“TRO”) against the U.S. Department of Health and Human Services (DHHS), and the relevant subagencies and personnel including but not limited to the Food and Drug Administration (FDA), Centers for Disease Control and Prevention (CDC), National Institutes of Health (NIH), the DHHS Secretary, the DHHS Assistant Secretary for Preparedness and Response, and the DHHS Vaccines and Related Biological Products Advisory Committee, seeking temporary injunctive relief against any existing or further authorization for use in children under the age of 16, of any of the COVID-19 “vaccines”¹ that have been approved under the Emergency Use Authorization (“EUA”) provided in 21 U.S. Code § 360bbb–3. In this Motion, Plaintiffs ask only that the *status quo* be maintained - that the EUAs not permit the use of COVID-19 vaccines in children under the age

¹ Plaintiffs explicitly reject the term “vaccine” as a description of the injections approved under EUA for use in reducing the symptoms of COVID-19. The traditional definition of a vaccine as given by Cambridge Dictionary is “a substance containing a virus or bacterium in a form that is not harmful, given to a person or animal to prevent them from getting the disease that the virus or bacterium causes.” This definition is the one relied upon by health care professionals and the lay public since vaccines first emerged, but recently has been altered in a number of places to allow for the synthetic and experimental material colloquially referred to as the “COVID-19 vaccines” to be included. Plaintiffs will refer to the injections of this material as the “vaccine” or “injection” for purposes of this filing but reject the categorization.

of 16, and that no further expansion of the EUAs to children under the age of 16 be granted prior to the resolution of these issues at trial. Such relief would protect the lives and safety of millions of children in the American public for whom serious illness and mortality from COVID-19 represent a zero percent (0%) risk statistically, but who face substantial risks from these experimental injections.

Plaintiffs not only face the imminent threat of irreparable injury of various types absent a TRO, but they also represent a diverse cross-section of the American public. They are doctors and other medical professionals. They are parents and children. They are coaches and mentors. They are healthy, and they suffer from underlying conditions. They are from various states. They are from various walks of life. They are individuals and organizations. They are experts and they are lay people. Most or all have been fully vaccinated in the past. **And they all have one thing in common.** Absent the requested relief, each of their lives stands to be inexorably and irreparably altered forever.

Plaintiffs will bring suit in the near future. The case will challenge the EUAs for the injections on several counts. It will be made clear to the Court in that case, based on the law and well-founded scientific evidence, that: the EUAs should never have been granted, the EUAs should be revoked immediately, the injections are dangerous biological agents that have the

potential to cause substantially greater harm than the COVID-19 disease itself, and numerous laws have been broken in the process of granting these EUAs and pushing these injections on the American people.

In the specific instance of minor Plaintiffs under 16, the Court must consider that an “EUA requires that an intervention address a serious or life-threatening condition², and for known and potential benefits of the intervention to be balanced against the known and potential harms.” There is not even a pretense of a factual basis that COVID-19 represents a serious or life-threatening condition for children under 16, since the CDC acknowledges they face 0% risk of mortality from COVID-19 statistically.

The Complaint will include claims for, *inter alia* (1) a declaration that the extension of the EUAs for the COVID-19 vaccines making them available for use in children under the age of 16 violates 45 CFR § 46.401, *et seq.*, which applies to "all research involving children as subjects, conducted or supported by [DHHS]"; (2) an order enjoining the use of COVID-19 vaccines in children under the age of 16, until such time as the DHHS Secretary has complied with 45 CFR § 46.401, *et seq.*; and (3) claims for civil money damages against individual government officials within DHHS, in their personal capacities, for violations of the Constitution, under 42 U.S.C. § 1983.

² <https://blogs.bmj.com/bmj/2021/05/07/covid-vaccines-for-children-should-not-get-emergency-use-authorization/>

On May 11, 2021, without any prior notice, the FDA extended the EUA issued for the Pfizer-BioNTech COVID-19 Vaccine for use in 12 to 15 year-old children. Given the extreme exigencies, Plaintiffs are seeking the temporary relief set forth herein even before filing their Complaint. Studebaker Corp. v. Griffin, 360 F.2d 692, 694 (2d Cir. 1966); United States v. Lynd, 301 F. 2d 818, 823 (5th Cir. 1962) ("The grant of a temporary restraining injunction need not await any procedural steps perfecting the pleadings"); National Organization for Reform of Marijuana Laws v. Mullen, 608 F.Supp. 945, 950 n. 5 (N.D. Cal. 1985) ("[o]wing to the peculiar function of the preliminary injunction, it is not necessary that the pleadings be perfected, or even that a complaint be filed, before the order issues").

II. PLAINTIFFS

1. **America's Frontline Doctors** ("AFLDS") is a non-partisan, not-for-profit organization of hundreds of member physicians that come from across the country, representing a range of medical disciplines and practical experience on the front lines of medicine. AFLDS' programs focus on a number of critical issues, including:

- Providing Americans with science-based facts about COVID-19;
- Protecting physician independence from government overreach;
- Combating the "pandemic" using evidence-based approaches without compromising Constitutional freedoms;
- Fighting medical "cancel culture" and media censorship;
- Advancing healthcare policies that protect the physician-patient relationship;