

## Letter of Intent to file civil suit and/or criminal complaint

The following letter of intent (LOI) to file civil suit and/or criminal complaint against your business/organization is predicated on your business/organization and **[state and/or local mandates - note: business mandates are not in place in OR, though expected, however some OR businesses have enacted their own mandate policies]** engaging in unlawful practices/activities, either solely or in conspiracy with other businesses or organizations, to deny service or offer separate, but punitive and unequal service to patrons who, on the basis of religious, philosophical, medical, ethical and/or political beliefs, chose not to subject themselves to a specific medical procedure(s). In particular, we are referring to medical procedures including: (a) gene based mRNA and/or modified adenovirus viral vector procedures that override normal DNA function, instructing the human body to genetically produce pathogenic spike proteins, and (b) experimental (emergency use authorization, EUA), unreliable COVID-19 test(s). This LOI provides notice to your business/organization of the following acts/crimes in violation of [your state] and US Constitutions:

- Engaging in a quasi regulatory procedure by imposing various manifestations of vaccine requirements (a medical procedure), by requiring patrons to provide proof of vaccination via electronic or physical vaccine card, or proof of recent COVID-19 test, as a condition of access to facilities, paid/unpaid services and/or product exchange.
- Arbitrary and capricious terms of service on the basis of a particular political, medical and/or physical class. In the current instance, the terms of service are based on vaccination status. Those who do not meet the arbitrary criteria (presumably an unqualified interpretation of [your state] Health Authority (OHA) and/or CDC guidelines) are subject to denial of service or relegated to an apartheid, second class system whereby they can for example, eat outside or some other, less than optimal accommodation.
- Rewarding a particular class of patrons, those who can prove receipt of COVID-19 vaccination or in some cases, proof of a negative COVID-19 test, with a full complement of service amenities, thereby creating a coercive or quid pro quo, style exchange for service on the basis of a narrow band of vaccine and/or COVID-19 test products that are either FDA approved or under EUA.
- Imposing vaccine mandates and/or COVID-19 test as a tool to (according to the Portland Performing Arts Coalition) “prioritize the health and safety of audience members, artist staff, volunteers and the community at large.” Presumably, restaurants and other businesses imposing vaccine mandates are basing their actions on similar aspirations regarding health and safety. In particular, the unlawful and discriminatory actions by Portland area businesses and organizations appear to have been carried out under the auspices of an active state of emergency (SOE). However, a SOE does not authorize private businesses to take on functions relegated to the three branches of government and governing electoral process.

We, a coalition of tax paying citizens, beholden to the Bill of Rights and to the [your state] and US Constitutions, demand your business/organization and/or conspiring associates **cease and desist** from the unlawful, unconstitutional, discriminatory application of vaccine mandates and/or testing options as a coercive, quid pro pro for access to facilities, services and/or product exchange, based on the following—

Your business/organization and/or conspiring associates:

- Lack regulatory, administrative, executive, or judicial authority to impose COVID-19 vaccine or testing mandates on patrons, the effect of which is discriminatory.
- Are engaged in an unlawful activity by imposing a “limitless” qualification for service and/or product exchange on the basis of a medical procedure and/or interpretation of

testing results.

- Are violating customer privacy rights by conditioning patron access to facilities and/or product exchange, on a specific type of medical procedure and/or testing process/ results - to be disclosed to unqualified personnel and the public at large who are often privy to the exchange. Disclosure of vaccine/testing status carries political implications and serves as predicate for ongoing discrimination against patrons who are relegated to outdoor spaces and/or other discriminatory accommodations.
- Are regulating commercial activity on the basis of interpretation of a medical/testing procedure or process.
- Are engaging in a discriminatory practice via unqualified/incorrect interpretation regarding an ongoing state of emergency, and failure to recognize current/ongoing SCOTUS and lower Court opinions, *“Presently available vaccines may confer a personal benefit against severe disease from the Omicron variant, but do not confer any demonstrable societal benefit, because they do not effectively reduce infections or transmission. They simply cannot protect workers from the spread of SARS-CoV-2 in the workplace. With the Omicron variant now dominant, vaccine mandates cannot possibly stop viral transmission. Therefore, they amount to a personal health mandate, akin to a requirement to eat broccoli, exercise, or any number of personal health measures that the Court has previously rejected as beyond the scope of legitimate federal power.”* ....*With Omicron’s observed decline in severity, expected working-age deaths fall into a range comparable to — or even lower than — the CDC’s modeled 8,000 influenza deaths in 2017-18. Quite simply, the Omicron variant is now a normal respiratory virus, not an unusual, extraordinary, or grave danger. There is no evidence in the record specific to Omicron to support a grave danger finding.”* SCOTUS -AMICUS CURIAE BRIEF OF AMERICAN COMMITMENT FOUNDATION, INC. AS AMICUS CURIAE SUPPORTING APPLICANTS, in re; OSHA Mandate.
- Are engaging in a discriminatory practice via the arbitrary and capricious declaration of a class of individual (the unvaccinated), subject to unfair and unequal treatment when compared to the vaccinated. *“[T]he Omicron virus that presently dominates the field does not even arguably present a grave danger. Nor could its transmission be substantially reduced through mandatory vaccination even if it did present a grave danger....[T]he science has shown that the vaccines do not prevent individuals from contracting COVID-19. Even if every employee in a workplace was vaccinated, the virus would still be able to infect employees and spread to others. This is because the COVID-19 vaccines do not prevent infection and transmission of the SARS-CoV-2 virus.”*
- Are engaging in meaningless (with respect to a bona fide determination of infection with COVID SARS-Cov2), unlawful testing procedures as an alternative (a negative test result) to proof of vaccination. There is no FDA approved, licensed test for SARS-Cov2. All Covid tests (including clinical PCR and home tests) are experimental and governed by FDA emergency use authorizations. In every case, the manufacturer (as exemplified in the following examples) disclaims the effectiveness/accuracy of their experimental test in the following and/or similar manner,
  - **ID NOW COVID-19 assay**, *Negative results should be treated as presumptive and, if inconsistent with clinical signs and symptoms or necessary for patient management, should be tested with different authorized or cleared molecular tests. Negative results do not preclude SARS-CoV-2 infection and should not be used as the sole basis for patient management decisions. Negative results should be considered in the context of a patient’s recent exposures, history and the presence of clinical signs and symptoms consistent with COVID-19.”*
  - **S-CoV-2 Detect(TM) IgG ELISA** *“Negative results do not preclude acute SARS-CoV-2 infection.”*
  - **BinaxNOW (TM) COVID-19 Antigen Self Test** *“The BinaxNOW COVID-19 Antigen Self Test does not differentiate between SARS-CoV and SARS- CoV-2. Negative results do not rule out SARS- CoV-2 infection and should not be used as the sole basis for treatment or patient management decisions, including infection control decisions.”*

- In the recent SCOTUS opinion, [in the current instance, we are discussing businesses that unequivocally lack regulatory authority, unlike in the OSHA case, where there are blurred or uncertain lines with respect to legislative vs. regulatory authority], SCOTUS held that OSHA lacked authority to impose vaccine mandates on employees, the Petitioner's cited the following;

*“The Government envisions an America unrecognizable by the Framers of our Constitution in issuing the COVID-19 Vaccination and Testing; Emergency Temporary Standard (“ETS”), 86 Fed. Reg. 61402 (Nov. 5, 2021). It sees an America where a non-elected federal agency can use the commerce clause to usurp quintessential state police powers, like the authority to regulate health and safety....”*

In the instant LOI, [your state] businesses, organizations and/or conspiring associates are unlawfully impeding commerce, are effectively practicing medicine without a license, and/or are illegally performing a regulatory function that discriminates against the unvaccinated;

*“[T]he nation must ask itself, “[t]o what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained?” Marbury v. Madison, 5 U.S. (1 Cranch) 137, 176 (1803).*

*Sometimes “the most telling indication of [a] severe constitutional problem ... is the lack of historical precedent” for the Government’s action. Free Enterprise Fund v. Public Company Accounting Oversight Bd., 561 U.S. 477, 505 (2010) (internal quotation marks omitted). According to the Government’s logic, the Commerce Clause allows forced medical treatment in order to hold a job under the guise of activities that substantially affect interstate commerce. This type of general regulation of public health is well beyond the scope of interstate commerce and is unsupported by historical precedent.*

Congress (State/Federal) have not legislatively authorized, [your state] businesses, organizations and/or conspiring associates to enact or impose vaccine mandates or test procedures on patrons.

*“The OSHA ETS is an unconstitutional exercise of legislative power vested in Congress and should be set aside pursuant to the Administrative Procedures Act (“APA”) and the Occupational Safety and Health Act of 1970, 29 U.S.C. §651 et seq. (“the OSH Act”). The ETS unlawfully regulates public health under the guise of workplace safety by carving out a federal police power traditionally reserved to the States.”*

To conclude, the aforementioned shall serve as notice to this business, organization and/or conspiring associates to immediately cease/desist from unlawful and discriminatory actions, in violation of [your state] and US Constitutions, compelling patrons to submit to various medical procedures or provide proof and/or results of the procedure to business owners, managers, staff members and often times the public at large who are privy to the exchange, for access to facilities, services and/or exchange of products.

A declaration of religious, philosophical and/or medical condition provides a stop gap for many employees who refuse mRNA gene technology, but the process is private (by law) and mostly relegated to an HR function. In the case of consumers/patrons to businesses and organizations, requiring proof of vaccination, testing or proof of exemption on the basis of religious, philosophical and/or medical status carries the same issues with respect to privacy/discrimination via disclosure and judgement for service on the basis of one’s religious, philosophical and/or medical beliefs.

While we expect your business to cease/desist from unlawful mandates immediately, our coalition will initiate legal action within a reasonable timeframe after receipt of this letter of intent to initiate legal action, based on the foregoing, against your business/organization.