UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOHN PAUL BEAUDOIN, SR., Plaintiff, v. CHARLES D. BAKER, individually and in his Official Capacity as Governor of the Commonwealth of Massachusetts, MARGARET R. COOKE, individually and in her Official Capacity as Commissioner of the Department of Public Health of the Commonwealth of Massachusetts, MINDY HULL, individually and in her Official Capacity as Chief Medical Examiner of the Commonwealth of Massachusetts, JANICE Y. GRIVETTI, MICHELE N. MATTHEWS, ROBERT M. WELTON, and JULIE HULL, individually and in their Official Capacities as Medical Examiners in the Commonwealth of Massachusetts, Defendants.	Civil Action No. 1:22-cv-11356-NMG

MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT; NOTICE OF DEFENDANTS' DELIBERATE INDIFFERENCE; PLAINTIFF'S UNDERSTANDING OF LAW & EQUITY

Plaintiff Beaudoin submits this Memorandum in opposition to Defendants' Motion to Dismiss ("MtD"). Pro se Plaintiff understands that this Memorandum is a mere legal brief for the purpose of stating facts and points of law; and is neither a motion nor a complaint.

Introduction

This brief comprises three (3) sections of facts and points of law: 1) Opposition to Defendants' MtD, 2) Notice to this Court detailing Defendants' deliberate indifference and inaction concurrent with a legal duty to act resulting in lives taken, and 3) Beaudoin's understanding of the Court's discretion, sitting in chancery, grand juries, selection of "attorney for the government," presentment, indictment, and report to The People.

Defendants put forth the kitchen sink boiler plate standing doctrine defense. Defendants challenge Beaudoin on nearly all aspects of standing doctrine rather than only the pertinent. Rather than proffer fifty (50) pages refuting all challenges, Beaudoin summarizes the obvious, then details the more case-relevant points based on the three (3) prongs of *Lujan v. Defenders of Wildlife*, 504 U.S. 555 and its case parents and progeny.

Most interesting is that this case and controversy could have been avoided by a mere fifteen (15) minutes of clerical work by someone in the Massachusetts Department of Public Health ("MA DPH").

It would only take fifteen (15) minutes to look up the vaccination records of a few of the C19 vaccine-killed children listed in Beaudoin's First Amended Complaint ("Am. Compl.") and EXHIBIT F. Hundreds of hours of work from all parties and the Court could have been avoided by fifteen (15) minutes of clerical work. Instead, it is seven (7) months later with perhaps thousands more dead in Massachusetts from C19 vaccines because Defendants refused fifteen (15) minutes of work. This is a prime example of "deliberate indifference."

This Am. Compl. would not have been filed but for Defendants' fraudulent conduct. C19 vaccine mandates would not exist but for Defendants' fraudulent conduct. Fear and societal devolution fostering crime, overdoses, and suicides would not have happened but for

Defendants' fraudulent conduct. Beaudoin would be graduating law school in two (2) months but for Defendants' fraudulent conduct. Any reasonable person knows that reversal of the fraud will redress the injury in fact.

What kind of society do we live in if Commonwealth agents can violate felony statutes with impunity resulting in the deaths of healthy children agonizingly and painfully over days or months? The compelling governmental interest weighed on balance should be to protect the lives of citizens rather than protect the privacy right of the dead to keep hidden their vaccination information. Most of the dead would want their vaccination status known so that others may be saved from such battery, maim, and death. The Commonwealth stands on the graves of children seeking to obscure their own criminality under the auspices of privacy rights of the dead.

The People deserve to know data collected by MA DPH and Beaudoin deserves the opportunity to attend a law school.

The public often learns decedents' toxicology reports, blood alcohol levels, age, other passengers in the cars, and towns of residence. All those are divulged upon death. Vaccination status, however, is hidden from public view; and it is the one privacy that can save many lives if known.

Regardless of whether C19 vaccines are "safe and effective" or neither safe nor effective, let the data be known to either win the minds of fence-sitters to vaccinate or to save the lives of babies in utero, children, pregnant mothers, and all who do not deserve to die after being lied to by our governments about what is "safe and effective."

Vaccination information of the dead is the key to all vaccine controversy. Let it be known to end this controversy for all and so that Beaudoin may attend law school.

Factual Background

Beaudoin was pursuing a juris doctorate degree and completed one year at the Massachusetts School of Law (the "Law School"). Before Beaudoin attended one day of class, he wrote, in August 2020, to the Director of Admissions via e-mail, and informed the Director that he (Beaudoin) would not be taking the C19 vaccine when it becomes available. The Director wrote back to Beaudoin, 1) "If you are over 30 years of age you are not required to show proof of immunizations or vaccinations to the law school." 2) "No one at the law school will ask you to provide proof of a flu shot or COVID 19 shot." 3) "If your doctor thinks it is not advisable to get the COVID vaccine then we will not require it." 4) "Trust me, no one will be the first one running to get the vaccine when it's available, i'm with you there." These promises incorporated into terms of the contract between Massachusetts School of Law and Beaudoin.

Massachusetts School of Law enacted a C19 vaccine mandate in late spring 2021.

Beaudoin submitted a religious exemption. Massachusetts School of Law has never accepted or denied Beaudoin's exemption request. They ignored it. Massachusetts School of Law unenrolled Beaudoin from the law school and Beaudoin was notified on the last day of registration.

In the summer of 2021, Beaudoin attempted to transfer, but was not accepted after discussions of masking, testing, and C19 vaccination mandates with school representatives.

In 2022, Beaudoin monitored some law schools for their C19 vaccine mandate policies.

In late 2022, Beaudoin sued Massachusetts School of Law in state court for breach of contract. That case has very little to do with the present vaccine mandate case because the present case pertains to all law schools that now mandate C19 vaccination.

On August 23, 2022, Beaudoin filed the original complaint in the present case before this Court.

On December 2, 2022, after three (3) extensions, only one assented to, taken by Defendants, Defendants filed a Motion to Dismiss.

Beaudoin then filed a motion to extend time and then filed the First Amended Complaint on January 3, 2023 pared to only one count, a § 1983 claim for deprivation of rights because he was locked out of most law schools or required to mask and test weekly due to his refusal to obtain a C19 vaccination.

After three (3) more extensions by Defendants, Defendants finally filed a Motion to Dismiss the First Amended Complaint on March 24, 2023, seven (7) months after the original complaint.

OPPOSITION TO DEFENDANT'S MOTION TO DISMISS

I. INJURY IN FACT

"First, the plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, … and (b) actual or imminent, not 'conjectural' or 'hypothetical,' …" *Id.* at 560

In *Lujan*, the plaintiffs claimed injury was that if they traveled to Egypt some time in the future, they might not be able to see a Nile crocodile, if the crocodiles' habitat was disturbed by Aswan Dam renovations, and the crocodile became extinct. The plaintiffs brought suit under the Endangered Species Act of 1973 and some changes in its provisions. In other words, *Lujan* is almost entirely incongruous to the present case with regard to injury in fact.

In the present case, Beaudoin is injured by Defendants because Defendants conduct either precluded him from applying to many law schools to receive a law education or caused him to be treated differently in being required to wear a mask or take a C19 test often, while matriculating and being unvaccinated for C19.

Beaudoin's legally protected interests to be treated equally in negotiating for admission to law schools, to petition the Court for redress of grievances, and to adhere to his person religious convictions have been invaded due to Defendants' misrepresentations on Death Certificates ("DC").

The injury to Beaudoin is "concrete." Beaudoin was unenrolled from the Massachusetts School of Law in 2021 after his 1L year completion due to not being C19 vaccinated. Beaudoin sought to apply to law schools in 2021 and 2022 for transfer or new entry to repeat the 1L year, but the C19 vaccination mandates were ubiquitous among law schools. Beaudoin presently wishes to apply to law schools in 2023, but those that might accept him and where he wishes to attend still have mandates, thus continuing the injury.

The injury to Beaudoin is "particularized" in that he is injured in a "personal and individual way." He himself was unenrolled and now treated differently for not being C19 vaccinated. Beaudoin was 56yo upon entering law school. He'd have graduated before his 59th birthday only two (2) months from present time of this Memorandum. Instead, due to the injury, Beaudoin would have to start over at the age of 59 and would not graduate until almost 62yo. Beaudoin stopped looking for employment when he became a full-time law student. He wished to start a new career for his later years. Beaudoin's father passed in 1987 at 68yo and his grandfather passed in 1959 at 69yo. Even if Beaudoin were now to attend law school in the fall

of 2023, and if his genetics are similar to his forebears, then he might have seven (7) years in his short law career before he dies. The injury is very particularized indeed.

The injury to Beaudoin is both "actual" in that he was unenrolled from law school and is not treated fairly by other schools for not C19 vaccinating, and "imminent" in that he may still be rejected for entrance into a law school in fall of 2023.

The injury to Beaudoin is certainly not "conjectural." It actually happened and is happening. Nor is the injury "hypothetical." The facts are asserted and sworn in affidavit to this Court. It happened.

The injury in fact prong of *Lujan* is solid, apparent, and satisfied to any reasonable person.

II. TRACEABILITY

"Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be 'fairly. . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court.'" *Id.* at 560

Facts refute Defendants' purport of issues regarding attenuation and traceability in the Am. Compl.. Law schools, including Massachusetts School of Law, expressly state that they enacted C19 vaccine mandates because of certain numbers of deaths purported by Defendants to be C19-caused. Beaudoin argues that "expressly traceable" fits wholly and entirely within the locus of "fairly traceable."

The root cause and "but for" cause lies in the erroneous data published in DC's by Defendants. But for the unlawful fraudulent DC data put forth by Defendants, Beaudoin would

not be injured by law schools. Two sequential actions, 1) fraudulent DC's and 2) vaccine mandates expressly stated to be in response to data derived from DC's, are generally not considered attenuated no matter how many words defense counsel puts between them. *Exempli gratia*, an actor's punch and the subsequent fall of the victim causing a cranial fracture from hitting concrete is two steps regardless of whether the victim's head was facing east at the time of punch, south at the time of falling, as the wind blew from the north, and the victim's little finger touched the ground before the rest of his hand, then his elbow, then his torso, then his head. There is no attenuation between the punch and the fall regardless of lengthy prose inserted into the description of events as defense counsel has attempted in their Motion to Dismiss.

The key word to scrutinize in attempting to dismiss Beaudoin's complaint should be "independent" from "th[e] result [of] the independent action of some third party not before the court.'" *Id.* at 560 Some of the law schools to which Beaudoin wishes to apply are private institutions, others are governmental entities, and most have C19 vaccine mandates. Regardless of private or public, the *Lujan* decision clearly means to apply the qualifier "independent" to the action of the third party. "Independent" means free from influence, guidance, or control. There is no gray area in the word "independent." Beaudoin argues that the action of a school enacting a mandate is not independent from Defendant's conduct. The Massachusetts Board of Bar Examiners ("BBE"), an agency controlled by the governor, a defendant in this case, has coercive and solicitous guidance, influence, and control over Massachusetts School of Law and all law schools in the Commonwealth. Additionally, the MassBar Association is a web of influence and power by, between, and among attorneys, law schools, court judges, and AGO agents thus destroying any semblance of the word "independent." Further, all the schools enacted C19

vaccine mandates at the same time on recommendation from the Commonwealth and based upon the fraudulent data. If the schools were independent, would not there have been some timing differences or hold-outs? Clearly, there is influence and control, which destroys the "independent" qualifier and thus destroys the carve-out in the second prong of the *Lujan* test.

Though "third party" makes a more difficult proof of "traceability," that difficulty manifesting in the *independence* qualifier, in the present case that independence simply does not exist. *Exempli a fortiori*, the Massachusetts School of Law is listed by the Mass BBE to have passed only eight (8) of sixty-five (65) test takers in July 2022. Found here https://www.mass.gov/doc/july-2022-massachusetts-bar-exam-statistics/download Given that hundreds matriculate in their 1L year at Massachusetts School of Law, a bar passage of only eight (8) would, or should, draw the attention and ire of the Mass BBE and MassBar so as to guide, influence, or control them. Massachusetts School of Law purports to be a non-profit enterprise; but if they are not fulfilling their mission of providing a marginally adequate education to pass the bar, then are they not simply feeding off federal and state student loans while soliciting indebtedness of already financially struggling people? In other words, the State has influence and control over a failing institution that must adhere to State recommendations.

The *Lujan* court does address the third party issue again as will be shown in "REDRESSABILITY" below. "regulated (or regulable) third party" is an important phrase. *Id.* at 562

III. REDRESSABILITY

"Third, it must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" *Id.* at 561

The *Lujan* court left differentiation of "likely" and "speculative" to the lower courts for interpretation; and lest not forget the qualifier "merely."

Redressability, in this context is a balance between "likely" and "speculative" where "merely" is the qualifier put before speculative. If "speculative" were to mean what Defendants imply, then "likely" falls in the spectrum of speculative, which creates a self-defeating paradox of words that have no meaning at all. The spectrum of "speculative" lies between certain to be and certain not to be. Thus, "speculative" on its own, without "merely," is a useless word in the context of *Lujan* or any other case.

Now consider that "merely speculative" is situated to oppose "likely," and thus is meant, not necessarily to be unlikely, but rather to mean that there is no position on the spectrum of likelihood from 'certain to be' to 'certain not to be.' The decision on redressability should hinge on "likely." And any reasonable person would find that if schools knew that C19 vaccine deaths were covered-up and they knew that C19 deaths were grossly exaggerated and they knew that they no longer had legal cover from tort or crimes having such knowledge that these vaccines are a reckless act that could lead to death or maim, then the schools would drop the mandates. To any reasonable person, fraud reversal is "likely" to redress the injury in fact and open the schools to unvaccinated Beaudoin.

Taking facts asserted by Beaudoin as true, 1) that Cassidy Baracka, 7-years-old, of Groton, MA, reacted in minutes and died in 4.5 days after C19 vaccination; 2) that Brianna McCarthy, 30-years-old, of Haverhill, MA, reacted in hours with Stroke and was brain dead in a few days after C19 vaccination; 3) that six (6) doctors from Beth Israel Deaconess Hospital and Harvard Medical College authored a ***Brief Report*** about Brianna published in the

Neurohospitalist entitled *Fatal Post COVID mRNA-Vaccine Associated Cerebral Ischemia*; 4) that Brianna's ischemic stroke was "associated" with the C19 vaccine - the doctors expressly state that the vaccine caused the stroke all throughout the report; 5) that Diane Dubois died of a hemorrhagic stroke at age 62 just after injection of C19 vaccine and only two (2) weeks before Brianna was injected; 6) that 17-year-old Eden MacDonald died from a CVST stroke only a few weeks after Brianna and having reacted with severe headaches soon after C19 vaccination; and 7) that 12-year-old Amaya died from her stroke after C19 vaccination in August 2022; it is more than "likely" and not "merely" "speculative" that C19 vaccines caused their deaths, and it is a fact that their DC's did not list the C19 vaccine as a cause of death in ICD-10 codes, and it is a fact that at least two of those deaths were blamed on "covid" "U07.1" as a cause of death, when Defendants knew or should have known that covid had no causal relationship to their deaths. It is a fact, not "speculative," that parents then went out and got their children C19 vaccinated after hearing the Defendants' prevarication on DC's that Cassidy and Brianna died from covid.

Brianna was a high school teacher at Methuen High School in Methuen, MA, which is 5.4 driving miles or ~11 minutes from the Massachusetts School of Law. Brianna died in April 2021 a few weeks before the vaccine mandate was announced at that law school. Remember the fact that Brianna's DC has "covid-19" and "U07.1" listed as the root cause of death when, in fact, Brianna had C19 three (3) to four and a half (4.5) months before she died and she had onset of migraine headache only hours after C19 vaccination that caused her to visit the Emergency Room twice before not recognizing her sister in a full blown stroke that killed her. But for the fraudulent reversal of Brianna's cause of death on her DC from C19 vaccine to C19 per se, would the Massachusetts School of Law have enacted a C19 vaccine mandate only 5.4 miles

away from where Brianna worked? But for the omission of C19 vaccination as the root cause of death on 17yo Eden's DC, would the Massachusetts School of Law have enacted a C19 vaccine mandate only 31 miles away from where Eden resided, and then died on June 11, 2021 when Eden's life was taken by Defendants who promoted C19 vaccines? But for the fraudulent reversal of 7yo Cassidy's cause of death on her DC from C19 vaccine to C19 per se, would the Massachusetts School of Law have continued a C19 vaccine mandate only 26 miles away from where Cassidy went to elementary school after January 18, 2022 when Cassidy's life was taken by Defendants who promoted C19 vaccines? "Merely speculative" is not what this is. By any reasonable person standard, this is a situation of "likely" with regard to redressability.

Speculation, without the "mere" qualifier, would have one believe that Massachusetts School of Law would "likely" not enact a C19 vaccine mandate if they knew that three (3) women in the area died in three (3) months from C19 vaccines, while hardly anyone actually died from C19 at the time of their decision to enact the mandate. One can speculate that the law school would "likely" retract their vaccine mandate knowing that, in actuality and in reality, C19 vaccines are far more deadly than C19 per se. The DC's are outright lies and must be corrected to give law schools information they need to decide on vaccine mandates.

"When the suit is one challenging the legality of government action or inaction, the nature and extent of facts that must be averred (at the summary judgment stage) or proved (at the trial stage) in order to establish standing depends considerably upon whether the plaintiff is himself an object of the action (or forgone action) at issue." *Id*. at 562

The statement from the *Lujan* court is clear. It notes, specifically, "at the summary judgment stage" or "at the trial stage." The present case is not at those stages. Discovery has not

yet been had. Why else would the *Lujan* court specify those stages if not to preclude the pleading stage? Clearly, plaintiffs should have the opportunity in Discovery to verify facts known but not yet proven in evidence.

In the present case, Beaudoin knows that if schools learned the truth that DC's were fraudulent in that C19 deaths were wildly over-counted and that C19 vaccine-caused deaths were prevented from being reported, then the schools would drop the mandates forthwith else be liable in a conspiracy and open to large tort actions and criminal prosecution for deprivation of rights. Beaudoin should have the opportunity to show this Court that what is now "likely" at the Pleading stage will, after Discovery, be certain after testimony from law school admissions officers - that mandates would not be in place but for the fraud on DC's.

"When … a plaintiff's asserted injury arises from the government's allegedly unlawful regulation (or lack of regulation) of someone else, much more is needed. In that circumstance, causation and redressability ordinarily hinge on the response of the regulated (or regulable) third party to the government action or inaction … The existence of one or more of the essential elements of standing "depends on the unfettered choices made by independent actors not before the courts and whose exercise of broad and legitimate discretion the courts cannot presume either to control or to predict," *ASARCO Inc. v. Kadish*, 490 U. S. 605, 615 (1989) (opinion of Kennedy, J.)" *Lujan v. Defenders of Wildlife*, 504 U.S. 555 at 562. (Please pardon Beaudoin's mistakes, if any, due to inexperience in citing cases.)

In *Lujan,* it is the regulation that is claimed to be unlawful, whereas in the present case, it is the Defendants' conduct that is claimed to be unlawful. The *Lujan* citations by Defendants' are incongruous to the present case. Beaudoin is not complaining about the constitutionality of a

statute or regulation. Beaudoin is stating, unequivocally, that Defendants violated numerous federal felonies causing Beaudoin to be unenrolled from law school and preventing him from being treated equally for admissions at other law schools. Up to a reasonable time after the notice of August 23, 2022, Defendants could have claimed to have made mistakes on DC's. Since Defendants made no effort to correct their misrepresentations, there is no longer a defense of mistake or ignorance of fact. Failure to correct the misrepresentations now has a *mens rea* component completing all elements of criminal fraud and various homicide crimes.

Also important to note is that law schools are indeed "regulable" by the Commonwealth and her agents including Defendants. Again, the agents of law schools who are enacting vaccine mandates are not "independent" by any definition of the word. MA DPH, an official of which is a defendant in the present case, gives guidance and has influence, and, in some cases, has control over schools and other enterprises. Unless the schools abide by MA DPH "recommendations," there are a number of penalties that agents of the Commonwealth can put upon the schools. Thus, the schools, including private institutions, fell in line in with ridiculous arrows on floors, plexiglass on lecterns, C19 vaccine mandates, and did what they were told by Defendants acting under color of their official capacities.

"Thus, when the plaintiff is not himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily 'substantially more difficult' to establish." *Id*. at 562.

While the preceding citation may appear to be the largest "standing" hurdle for Beaudoin to clear, it actually benefits Beaudoin in the plain language that "standing is not precluded" when the plaintiff is not the object of the government action or inaction. Please remember that this

statement and others are made in the context of a summary judgment stage standing dismissal in *Luhan*. The *Lujan* plaintiff had the opportunity for Discovery. Plaintiff in the present case has not had that opportunity and if *Lujan* is to be the standard, then let us abide by it in totality and in context. If subsequent cases have applied this *Lujan* at 562 prose at the pleading stage, then they have erred. The text of Lujan is again clearly pointing to Summary Judgment and Trial stages only and to the preclusion of the Pleading stage.

Defendants use grave mischaracterizations that should be ignored. "Indeed, he seeks only declaratory and injunctive relief that … would alter medical examiners' methodology in issuing death certificates … Even if Defendants were to change their COVID-related reporting in the manner sought by Mr. Beaudoin, it is pure speculation whether the Law School would in turn change its own vaccination policy … In short, even attaining all of the relief he seeks in his complaint would not redress the harm that Mr. Beaudoin alleges …" See Defendants' *MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT*.

Beaudoin does not seek to alter the lawful, expressed methodology for coding DC's. Beaudoin seeks to compel Defendants to follow the required methodology recommended and expressly stated in regulations, some of which are exhibits to the Am. Compl., and to which Defendants are duty-bound under law to follow. The change in COVID-related reporting sought by Beaudoin is that Defendants follow the law and stop committing fraud. The reporting methods are laid out in state regulations and in alerts and reports from the Department of Health and Human Services ("HHS"). See EXHIBITS B & C. Given that Defendants' felony fraud has led to the deaths of children, Beaudoin implores this Court to take action.

"Standing" must also be considered in context of the statute Beaudoin claims Defendants to have violated. 42 U.S. Code § 1983 expresses two basic elements. The first is "under color of law," which pertains to the performance of official duties of a governmental actor. The second is that the defendants' conduct deprived plaintiff of a right. Clearly, Defendants were acting under color of law in producing DC's, then electronically sending them to the CDC. The schools expressly based their vaccine mandates upon such DC's, which Beaudoin alleges are fraudulent en masse. Traceability from Defendants' actions under color of law to Beaudoin's injury-in-fact being deprived of a right are as clear as snorkeling the waters off Maui when weighed in context of § 1983. And redressability is a "likely" foregone conclusion and certainly not "mere" in any sense. The very word "likely" expresses "speculative" by definition because it is not "certain," which is the only situation that destroys "speculative." The word "merely" obviously is meant to minify "speculative" in relation to "likely" in context of *Lujan*. Thus, redressability hinges on what is "likely" and not precluded by "speculative" as Defendants would have you believe.

A dismissal of this case on redressability cannot survive scrutiny of the meanings and intentions of the *Lujan* court. Discovery is warranted.

NOTICE OF DEFENDANTS' DELIBERATE INDIFFERENCE

The complaint filed August 23, 2022 serves as notice of criminal conduct to agents of the Commonwealth of Massachusetts, including Defendants, and this Court. The notified Massachusetts Attorney General's Office ("AGO") has a legal duty to investigate crimes on reasonable belief and suspicion, which any reasonable person would deem EXHIBIT F to provide. To Beaudoin's knowledge, the AGO chose to only defend against the present Am. Compl. and not to investigate the allegations of criminal conduct, be that conduct mistake,

ignorance, purposeful, knowing, reckless, or negligent. From the main web page of the AGO is found the following text:

> The Massachusetts Attorney General's Office is an advocate and resource for the people of Massachusetts in many ways, including protecting consumers, **combating fraud and corruption**, **investigating and prosecuting crime**, and **protecting** the environment, workers, and **civil rights**. (see *https://www.mass.gov/orgs/office-of-attorney-general-maura-healey*)

Once State agents, including Defendants, were given notice, through the original complaint of August 23, 2022, those agents and their superiors and subordinates had a legal duty to investigate the plausible claims, on reasonable belief and suspicion, for the safety of the public. By not investigating or correcting the misrepresentations on DC's, after a reasonable time, those DC misrepresentations rose to criminal fraud conduct by the AGO's office per se. Deliberate indifference, occurring when lives are at stake, and where a legal duty to act is concurrent, and where injury has resulted, is criminally prosecutable.

Ian Robert Shumaker, eleven (11) years old of Bellingham died at Boston Children's Hospital on Saturday, December 3, 2022 from "complications from an unsuspected medical condition." (See *https://www.currentobituary.com/obit/271304*) On reasonable belief and suspicion, Ian was injected with a booster shot shortly before his chest pains, trouble breathing, ventilation at Children's Hospital, and untimely death. On reasonable belief and suspicion, upon extraction of his heart from his chest for purpose of transplant, it was discovered that Ian's heart was full of clots.

If Defendants, the AGO, or a clerical employee at the Massachusetts Department of Public Health ("MA DPH") spent fifteen (15) minutes investigating 11-year-old Ian's death, they

would likely learn the facts highlighted above. For Defendants and the AGO, duty begets action. This inaction and knowledge concurrent with a legal duty to act is "deliberate indifference."

If Defendants are not investigating the vaccine as a cause of Ian's death, then why does the Commonwealth have the Department of Public Health or a Medical Examiner's office at all? Do Defendants keep the public safe from criminally convicted corporations that kill and maim for profit? Or do they cover up and hide evidence of causation involving criminally convicted Commonwealth-based pharmaceutical companies because of a power cabal between the pharma industry and the government of the Commonwealth?

"Deliberate indifference" drives the adage, *"Malum consilium quod mutari non potest."* ~ *OR "Bad is the plan that cannot change."* The plan was to vaccinate. At no time has that plan been evaluated in real time. On the factual information in EXHIBIT F of this case, the AGO has a legal duty to investigate, and if they did, then that would change the plan because children are dying from these C19 vaccines. This is a fact. Defenses are now exhausted. One could argue that Ian's death rises to felony murder, gross reckless murder, or at the very least involuntary manslaughter and all Defendants are on the hook given the "deliberate indifference."

PLAINTIFF'S UNDERSTANDING OF LAW & EQUITY

If the present case is dismissed, then how will justice be served? Agents of the Commonwealth already made it known that they will not investigate the thousands of deaths in Massachusetts likely from C19 vaccines, tens of which are detailed in EXHIBIT F.

Issues affecting Beaudoin and the public interest are many regardless of whether this case survives "standing doctrine" scrutiny. Massive fraud occurred in counting C19 deaths and in hiding C19 vaccine deaths. That fraud led to thousands of extra deaths in the Commonwealth

alone. State and federal executive branches are active conspirators in these crimes. State and federal legislatures are too slow to provide oversight of the executive branch crimes, and often created the impetus for these crimes through legislation that was solicitous of the fraud, namely, the Cares Act *et al*. Citizens have no private right of action to prosecute crimes committed by governmental agents. Sovereign and qualified immunities and standing doctrine have barricaded citizens against exercising their First Amendment right to petition the courts for redress of grievances.

With every branch of a rogue government locked from the reach of The People, there seem to be only one or two investigation paths to truth for The People.

Courts of equity, of which this case is one, have broad discretion to provide relief in fairness and equity so long as that relief does not violate any mandatory authority or statutory law. In the present case, this Court could opt for the most economical plan of relief and do what judges did for centuries before the current stale and cookie cutter justice that pervades "the system." For example, a most economical plan of stepwise fact finding could be ordered by this Chancellor in equity:

A. Order that Defendants provide the Court, aka the Chancellor, with the C19 vaccination dates of all doses to Brianna McCarthy 30yo, Eden MacDonald 17yo, Holly Hodgdon 42yo, Charles Casella 48yo, Abby Fitzgerald 20yo, Cassidy Baracka 7yo, Preston Settles 15yo, Amaya McDonough-Rocha 12yo, Ian Shumaker 11yo, and Laney Ladd 6yo.
B. If Beaudoin is right about some, or all, of those young deaths in that they received a C19 vaccine shortly before ***onset of symptoms*** and eventual death in days, then the Chancellor could order one of the Defendant Medical Examiners ("ME") to appear before the Chancellor

and be asked if he or she was told to not ever attribute a C19 vaccine to a cause of death on a DC. The ME could be asked whether he or she received calls from MA DPH to add "U07.1" for "covid-19" on a DC because MA DPH had a recent positive C19 test on file for the decedent. Beaudoin knows the answers to most of these questions, but his witnesses are unwilling to come forward without being subpoenaed.

C. Having evaluated "likely" in the context of "standing" based on Lujan by the aforementioned simple checks in A. and B., the Chancellor could then affirm standing and the case could proceed to discovery. Or, given the information Beaudoin knows to be true and that would come out in A. and B. above, the Chancellor could grant an emergency stay on C19 vaccination in the Commonwealth in addition to proceeding to Discovery.

Most importantly, given the malfeasance and criminality already detailed in EXHIBIT F sworn to under penalties of perjury, there is left the matter of truth for The People. To the best of Beaudoin's knowledge, there is only one path left to achieve truth for The People to make their own decisions for their health and their lives. The following plan has likely never been done before in the history of the United States. Neither has the Department of Defense's Warp Speed program perpetrated on The People. And Warp Speed included inward facing massive propaganda attacks and free-speech violation attacks on the American People over the past three years. Has this ever been done before? In light of the circumstances, the following plan is warranted, lawful, and may be the only path to truth for The People. This Memorandum, being a mere brief and not a motion, petition, or complaint, is simply a list of points of fact and law available to this *Judge at Law* in this Court of Equity. The suggested plan follows.

(1) *Rule 6 "The Grand Jury"* of the Federal Rules of Criminal Procedure reads as follows: "*(a) Summoning a GRAND JURY.* ***(1) When the public interest so requires, the court must order that one or more grand juries be summoned.***" Thousands of people in the Commonwealth have died from the C19 vaccines. Tens of those deaths are documented in EXHIBIT F. Evidence of criminal conduct has been covered-up by actors for the Commonwealth who have had seven (7) months to correct any mistakes or misrepresentations. Ian Shumaker, an 11yo boys is dead because the AGO opted to not investigate the true, factual, and sworn statements in this case. The Rule 6 (a)(1) language is clear. The word "***must***" is unequivocal. When in the history of this court has the public interest so required more than at this very moment in which The People now find themselves? ***Never*** is the answer. This is the most important decision for use of a Grand Jury that this Court has likely ever considered; and, though this plan is unorthodox, so are the massive crimes perpetrated on The People.

(2) Even if a Grand Jury were to be impaneled to investigate crimes by State and federal agents, the usual custom is for a U.S. Attorney to advise the Grand Jury; and, given the present administration, no U.S. Attorney would likely step forward or be assigned. Even if one were assigned, he or she would likely be adverse to the mission of finding truth for The People. The solution here lies in *18 U.S. Code § 3332 - Powers and duties* reads as follows "*(a) ... Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence.*" "The court" may bring a matter to the attention of the Grand Jury. Bringing matters before the

Grand Jury is not a monopoly of the Department of Justice ("DoJ"), which they would have you believe. The legislative intent of § 3332 is clear.

(3) Who will advise the Grand Jury on points of law, if not a U.S. Attorney? There is nothing in law to prevent the Judge, who brings the matter before the Grand Jury, from informing the Grand Jury that they may choose their own "*attorney for the government*." That phrase is used throughout § 3332. Again, the wording is clear. It does not read, "*the government attorney*." In situations of governmental oversight, there are "outside Special Counsel" attorneys appointed. This is not a situation in which *28 CFR § 600.1 - Grounds for appointing a Special Counsel* is necessary. No one in their right mind would trust the U.S. Attorney General or, after his recusal, the Acting Attorney General to appoint a fair and just Special Counsel, given the overt violations of law against The People that have been perpetrated by government agents in the DoJ in the past three (3) years. The solution is that the Judge bringing the matter before the Grand Jury can suggest to the Grand Jury that they find their own legal advisor from the thousands of older former prosecutors from a bygone era of honor and justice. The DoJ will kick and scream, but they do not own the Grand Jury. The Grand Jury exists outside of the executive branch and is formed of The People. The Court need not even give notice to the U.S. DoJ.

(4) There remains one last issue to be solved. There is needed one more special instruction from the Judge to the Grand Jury. The DoJ would argue that this is an exercise in futility and the point is moot because the DoJ will never indict due to prosecutorial discretion regardless of a true bill from the Grand Jury. Grand Juries do not exist merely for the purpose of returning a true bill or no bill. Grand Juries also return presentments and they return reports. The Grand

Jury should be instructed to return a presentment or a report and that either or both should be made public upon completion. The presentment can then be available to any future DoJ that truly represents The People and a DoJ that will provide justice to The People by prosecuting murders, racketeers, corrupt NGO's, and others. There is no statute of limitations on many crimes such as murder. The report can be immediately made public by the Grand Jury upon completion. The truth will then be known.

CONCLUSION

Beaudoin stated a claim and made a compelling case for standing. This may be the most important case in the careers of the adverse party and those of the Court and the Court's staff. This is not a mere Complaint in equity. Mass murder has occurred, is occurring, and will continue to occur without fairness and equity doled out by a Chancellor in position of the days of old, when justice was swift and definitive. Will we have justice envisioned by Santo Tommaso D'Aquino, Charles Louis de Secondat, Baron de La Brède et de Montesquieu, John Locke, and Thomas Jefferson? Or will we have a bastardized totalitarian control state envision by Mao Zedong, Josef Stalin, or those now in power over the United States holding political prisoners for years without trial?

Beaudoin just wants to go to law school. But he cannot because the past three (3) years have been the largest criminal enterprise conspiracy against the American People in the history of the United States. International NGO's, U.S. NGO's including "non-profit" boards such as ABIM, ABFM, ABP, FSMB, IHME, and many others have acted in conspiracy with State medical licensing boards, nursing licensing boards, funeral director and embalmer licensing boards to commit felony fraud at the least. RICO, racketeering, deprivation of rights, conspiracy

against rights, restraint of trade, Sherman Act, murder, manslaughter, and many more felonies have been committed in what is now known as "The New Normal." If this is going to be normal, then I choose to follow some brilliant men of old instead.

- *Summum jus, summa injura* ~ Marcus Tullius Cicero c.50BC
- L*ex injusta non est lex* ~ Saint Augustine c.400AD
- [Civic power] *can have no right except as this is derived from the individual right of each man to protect himself and his property* ~ John Locke, Essay Concerning Human Understanding 1690
- *Law never made men a whit more just* ~ Henry David Thoreau 1849
- *but if it is of such a nature that it requires you to be the agent of injustice to another, then, I say break the law* ~ Henry David Thoreau 1849
- *There will never be a really free and enlightened State until the State comes to recognize the individual as a higher and independent power, from which all its own power and authority are derived, and treats him accordingly.* ~ Henry David Thoreau 1849

Beaudoin closes this brief by imploring this Court to do what is right, just, and moral in the face of three (3) years of injustices against The People. Some Court somewhere in the United States has to step up and do what is right and just. While Beaudoin has a right to attend law school, clearly there is more at stake. This case, like nearly all the thousands of cases brought during the covid era, is simply a balance of harms analysis between individual liberty and the public interest. It just so happens, in this case, that the public interest is aligned with individual liberty.

Beaudoin feels he has satisfied the requirements of 18 U.S. Code § 4 - Misprision of felony in bringing this case and hopes that the adverse parties and this Court will do the same.

In closing, here is a appropriate quote from Beaudoin's favorite philosopher of law and justice, Santo Tomasso D'Aquino. God bless Defendants and this Court. Cherish, nurture, and protect your souls from malevolent whispers to act naught when just acts are needed.

> *He who is not angry when there is just cause for anger is immoral. Why? Because anger looks to the good of justice. And if you can live amid injustice without anger, you are immoral as well as unjust. ~ Tommaso D'Aquino*

Respectfully submitted,

/s/ John Paul Beaudoin, Sr.
JOHN PAUL BEAUDOIN, SR. (Pro se)

Dated: April 7, 2023