

**IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO**

STATE OF OHIO, ET AL

PLAINTIFF

v.

CASE NO. 2020CV99999

[NAME OF DEFENDANT], ET AL

DEFENDANT

\_\_\_\_\_ /

**NOTICE OF SPECIAL APPEARANCE**

Notice is hereby given by the defendants [NAME OF DEFENDANT] and [NAME OF DEFENDANT 2] that each appears specially and not generally.

DATED this \_\_\_\_ day of [Month], 2020.

\_\_\_\_\_  
[NAME OF DEFENDANT], defendant  
[address]  
[city state zip]

\_\_\_\_\_  
[NAME OF DEFENDANT 2], defendant  
[address]  
[city state zip]

**IN THE COURT OF COMMON PLEAS  
STARK COUNTY, OHIO**

STATE OF OHIO, ET AL

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v.

CASE NO. 2020CV99999

[NAME OF DEFENDANT], ET AL

DEFENDANT

/

**MOTION TO DISMISS APPLICATION FOR TEMPORARY INJUNCTION  
AND DISSOLVE TEMPORARY INJUNCTION**

Defendants request an order dismissing the plaintiff's application for temporary injunction and dissolving any orders granting a temporary injunction for the reasons herein.

The application for temporary restraining order fails to state a cause of action or claim upon which relief can be granted and the following explains. The plaintiff's application is based solely upon the October 14 and November 12 "notice" and "public health order" which are more clearly detailed herein.

**STATEMENTS OF FACT**

Defendants own and operate a business known as [name of business] in Stark County Ohio, in the City of Uniontown. This business is the private property of the defendants.

The defendants incorporate every aspect of the record into this motion, including the defendants' written communications with the plaintiff along the plaintiff's written responses marked and attached hereto as Exhibit A.

On the dates of October 14<sup>th</sup>, 2020 and then on November 12<sup>th</sup> 2020, the Stark County Health Department issued a "NOTICE" stating that the defendants' business was in violation of one or more "health orders"; however, no legal violation was cited and no evidentiary facts were identified that would have established any health risk or nuisance.

The defendants were never cited with a valid "citation" for the reason that no opportunity for hearing was provided before the above captioned matter was commenced in the court. The term "citation" is used in this motion for convenience and not to be construed as a citation that is otherwise required by law. The plaintiff has failed to exhaust its

administrative remedies and has denied the defendants an opportunity to be heard by the agency.

The citation was issued for the defendants' refusal to comply with medical interventions and refusal to force these same medical interventions upon its patrons, but no health risk was ever discovered and no facts or evidence were ever identified in support of the plaintiff's allegation of a nuisance.

The plaintiff has never received any physician's affidavit identifying any individual associated with the defendants' business as having any communicable disease, or as having been exposed to any toxic substance.

The plaintiff has failed to identify or describe any facts pertaining to its unfounded claim of a "nuisance".

The plaintiff failed or refused to provide any evidence supporting its "notices".

The plaintiff failed to cite any legal authority for its notices or inspections.

The plaintiff failed to issue any *bona-fide* citation.

The plaintiff cites no legal authority for its actions but only cites statutes that pertain to other matters and its own administration and that impose absolutely no duties upon the defendants whatsoever.

#### **MEMORANDUM OF LAW**

Defendants re-allege each of the foregoing statements of fact and each statement in defendants' support affidavits, and further alleges the following:

ORC §3707.02 requires"

"When an order of the board of health of a city or general health district, made pursuant to section 3707.01 of the Revised Code, is neglected or disregarded, in whole or in part, the board may elect to cause the arrest and prosecution of all persons offending, or to perform, by its officers and employees, what the offending parties should have done. If the latter course is chosen, before the execution of the order is begun, the board shall cause a citation to issue and be served upon the persons responsible, if residing within the jurisdiction of the board, but if not, such citation shall be mailed to such persons by registered letter, if the address is known or can be found by ordinary diligence. If the address cannot be found, the board shall cause the citation to be left upon the premises, in charge of any person residing thereon, otherwise it shall be posted conspicuously thereon. The citation shall briefly recite the cause of complaint, and require the owner or other persons responsible to appear before the board at a time and place stated, or as soon thereafter as a hearing can be had, and

show cause why the board should not proceed and furnish the material and labor necessary and remove the cause of complaint.”

The plaintiff failed to issue a citation as required by ORC §3707.02 and the defendants were denied a hearing thereby.

The October 14<sup>th</sup> 2020 inspection report or “NOTICE” issued by Ty Bissler is not supported by any witness or affidavit and does not articulate any cause of action. Likewise, the defendants were denied any hearing.

Regarding the “NOTICE” or inspection report, it fails to describe or identify any nuisance:

“§3707.01. Powers of board; abatement of nuisances.

The board of health of a city or general health district shall abate and remove all nuisances within its jurisdiction. It may, by order, compel the owners, agents, assignees, occupants, or tenants of any lot, property, building, or structure to abate and remove any nuisance therein, and prosecute such persons for neglect or refusal to obey such orders. Except in cities having a building department, or otherwise exercising the power to regulate the erection of buildings, the board may regulate the location, construction, and repair of water closets, privies, cesspools, sinks, plumbing, and drains. In cities having such departments or exercising such power, the legislative authority, by ordinance, shall prescribe such rules and regulations as are approved by the board and shall provide for their enforcement.

The board may regulate the location, construction, and repair of yards, pens, and stables, and the use, emptying, and cleaning of such yards, pens, and stables and of water closets, privies, cesspools, sinks, plumbing, drains, or other places where offensive or dangerous substances or liquids are or may accumulate.

When a building, erection, excavation, premises, business, pursuit, matter, or thing, or the sewerage, drainage, plumbing, or ventilation thereof is, in the opinion of the board, in a condition dangerous to life or health, and when a building or structure is occupied or rented for living or business purposes and sanitary plumbing and sewerage are feasible and necessary, but neglected or refused, the board may declare it a public nuisance and order it to be removed, abated, suspended, altered, or otherwise improved or purified by the owner, agent, or other person having control thereof or responsible for such condition, and may prosecute him for the refusal or neglect to obey such order. The board may, by its officers and employees, remove, abate, suspend, alter, or otherwise improve or purify such nuisance and certify the costs and expense thereof to the county auditor, to be assessed against the property and thereby made a lien upon it and collected as other taxes.”

Furthermore, the “NOTICE” cites a penalty statute, ORC §3701.99 which pertains to reporting diseases by health care providers. The defendants are not health care providers,

licensed pharmacists, and they are not competent or qualified to conduct any medical examinations, diagnose any diseases or thereby make any such reports.

ORC §3701.99 Penalty.

“(A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25, division (I) of section 3701.262, division (D) of section 3701.263, or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.”

Additionally, the “public health order dated November 12<sup>th</sup> 2020 and signed by Kirkland K. Norris, Health Commissioner, fails to identify or describe any nuisance or other legal violation of any kind. It is not supported by any witness or evidence whatsoever.

Norris states in his “Public Health Order”, that “[name of business] is in violation of ORC §3701.13 by continuing to operate this business while in violation of the referenced Order, which is a nuisance and a danger to life and public health.”; however, ORC §3701.13, which is reproduced here, imposes no such legal duty upon the defendants, but only upon the plaintiff and other agencies and

ORC §3701.13 Department of health - powers.

“The department of health shall have supervision of all matters relating to the preservation of the life and health of the people and have ultimate authority in matters of quarantine and isolation, which it may declare and enforce, when neither exists, and modify, relax, or abolish, when either has been established. The department may approve methods of immunization against the diseases specified in section 3313.671 of the Revised Code for the purpose of carrying out the provisions of that section and take such actions as are necessary to encourage vaccination against those diseases.

The department may make special or standing orders or rules for preventing the use of fluoroscopes for nonmedical purposes that emit doses of radiation likely to be harmful to any person, for preventing the spread of contagious or infectious diseases, for governing the receipt and conveyance of remains of deceased persons, and for such other sanitary matters as are best controlled by a general rule. Whenever possible, the department shall work in cooperation with the health commissioner of a general or city health district. The department may make and enforce orders in local matters or reassign substantive authority for mandatory programs from a general or city health district to another general or city health district when an emergency exists, or when the board of health of

a general or city health district has neglected or refused to act with sufficient promptness or efficiency, or when such board has not been established as provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 3709.12, and 3709.14 of the Revised Code. In such cases, the necessary expense incurred shall be paid by the general health district or city for which the services are rendered.

The department of health may require general or city health districts to enter into agreements for shared services under section 9.482 of the Revised Code. The department shall prepare and offer to boards of health a model contract and memorandum of understanding that are easily adaptable for use by boards of health when entering into shared services agreements. The department also may offer financial and other technical assistance to boards of health to encourage the sharing of services.

As a condition precedent to receiving funding from the department of health, the director of health may require general or city health districts to apply for accreditation by July 1, 2018, and be accredited by July 1, 2020, by an accreditation body approved by the director. The director of health, by July 1, 2016, shall conduct an evaluation of general and city health district preparation for accreditation, including an evaluation of each district's reported public health quality indicators as provided for in section 3701.98 of the Revised Code.

The department may make evaluative studies of the nutritional status of Ohio residents, and of the food and nutrition-related programs operating within the state. Every agency of the state, at the request of the department, shall provide information and otherwise assist in the execution of such studies."

Reviewing the underlined sections, you can easily conclude that this statute cannot have been violated by the defendants as it has nothing to do with any private business but only "the department" and "health districts".

What nuisance?

What public health emergency?

What violation?

What authority?

What a waste of public funds, being used to harass the defendants with no legal justification what-so-ever.

ORC §3701.13 has absolutely nothing to do with "a nuisance and a danger to life and public health".

Furthermore, ORC §§3709.21 and .22 have absolutely nothing to do with imposing any legal duty upon the defendants as it pertains only to the health district's ability to make orders

and regulations necessary for its own government” and “duties of the board of city or general health district”.

In addition to being completely impertinent and irrelevant to any duties alleged, this notice fails to satisfy the legal requirements for a citation. Instead, the “public health order” describes how the defendants failed to comply with a health order. The health order purportedly requires the defendants to force their employees and patrons to submit to untested and unproven medical interventions, for which the medical necessity and medical efficacy has never been established. This purported “health order” has not been promulgated into any regulation or other legal duty upon the defendants.

The defendants were denied any hearing before an officer, board or department of any kind prior to the commencement of this action. Therefore, there is no record of any final order, adjudication or decision that the defendants may have appealed.<sup>1</sup>

The doctrine of exhaustion of administrative remedies is a court-made rule of judicial economy which is generally required to prevent premature interference with incomplete agency processes and allow for the compiling of a record adequate for judicial review. The plaintiff’s failure to properly notice and conduct an administrative hearing before the commencement of this action has denied the defendants’ rights to be heard thereby and created a substantial prejudice by the failure to compile a complete record of the facts, allegations and defenses.

There is no evidence appearing anywhere that the defendants or anyone associated with their business is a direct threat to any other person.

There is no evidence of any physician’s affidavit having been provided to the Department of Health or any health officer, identifying either defendant as having any communicable disease or having been exposed to any toxic substance.

There is no evidence of any court order, obtained by any petition of the plaintiff or the Department of Health or any public health officer, that was based upon any physician’s affidavit in which either defendant was identified as having any communicable disease or having been exposed to any toxic substance.

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1 ORC §2506.01 et seq.

There is no evidence or any court order determining that either defendant or anyone associated with their business is a direct threat to anyone.

There are no facts or evidence identifying or describing any nuisance.

There is no evidence of any court order imposing any terms of isolation or quarantine or other control measures or medical interventions upon either defendant or upon anyone associated with their business.

Plaintiff attempts to be penalize the defendants without any legal authority and without citing any legal violation, for refusing to violate state laws pertaining to engaging in the unlicensed practice of medicine and imposing medical interventions against the informed consent of their customers, while the plaintiff fails to offer any immunity or indemnification for engaging in such conduct.

Plaintiff has failed to evidence any law that requires the defendant to violate other state laws or the medical privacy rights of their patrons.

Plaintiff has failed to evidence that it has the ability to indemnify the defendants or their business against potential costs of litigation that may result from being sued for this conduct, or that may result in any adverse health consequences to themselves, employees or patrons.

Plaintiff has failed to evidence any laws that have changed that would permit the defendants to engage in the unlicensed practice of medicine or forced medical treatments without judicial review.

Plaintiff has failed to evidence its ability to indemnify the defendants against claims resulting from any adverse health consequences regarding imposing untested and unproven medical treatments on their employees or patrons without informed consent and in violation of their medical privacy rights.

Plaintiff has failed to identify or describe any public health emergency or any facts or evidence that would support its claim of a nuisance.

Plaintiff has failed to identify or describe how the defendants have the legal duty to protect the public from danger, such as a health emergency, and no public health emergency has ever been identified. According to the official public records of the medical examiner's office, the total mortality rate for the State of Ohio and the United States is less than the average for the previous three years. The defendants request that this court take judicial



notice of the official public records of the medical examiner and the mortality rates from this year, as compared with the years 2017, 2018 and 2019.

Furthermore, the defendants request that this court take judicial notice of the official public health records demonstrating the morbidity and mortality rates for Tuberculosis along with the fact that at no time in the history of this infectious disease, has any public health emergency been declared. By these two objective standards, we can easily conclude that there is no public health emergency whatsoever. What we have instead is a situation where physicians, coroners and hospitals are being paid tens of thousands of dollars for each time they diagnose someone as having the so-called "Covid-19" disease, or include it as an "associated" cause of death. What we have is a re-classification of normal, usual deaths.

Plaintiff has failed to identify or describe how the defendant has the capacity to protect the public from any danger, such as the proper training, equipment, supplies, funding and insurance.

Plaintiff has failed to establish that it is with the defendants' usual duty of care to engage in such practices.

Defendants' business has insurance for engaging in acts or conduct related to their business and they are not insured or licensed for engaging in the practice of medicine or forcing their patrons to wear unproven medical devices in violation of their medical privacy rights (informed consent).

Section 201(h) of the Food, Drug, and Cosmetic Act defines a mask, such as the ones people are wearing today, when intended for one's health, as a medical device.

The long-standing safety regulations of the Occupational Safety and Health Administration have established rules and procedures for the application of such devices because they are dangerous to human health. Defendants and their employees are not trained to administer these medical applications and can never satisfy the professional responsibilities of a licensed physician that are normally required to meet the criteria for "informed consent".

Informed consent is a medical privacy right and defendants have untold liabilities for engaging in conduct that may violate these rights, especially when it involves violating state and federal laws.

Plaintiff is not acting upon any physician's affidavit identifying the defendants or anyone associated with their business as having any communicable disease or having been exposed to any toxic substance.

There is no evidence of any direct threat to anyone, by anyone associated with the defendants' business and likewise, there is no court order establishing that anyone associated with the defendants' business is a direct threat to anyone whatsoever.

Public policy requires a court order based upon such a physician's affidavit; however, this statute does not authorize the plaintiff to undertake such actions in the first place, as only the Department of Health is empowered thereby. Either way, neither the plaintiff or the Department of Health has complied with such requirements.

The plaintiff has failed to provide evidence of any known exposure to communicable disease or one that was ever declared to be quarantinable or subject to isolation.

The plaintiff is policing untested medical interventions and other would-be "pandemic control measures" without first identifying any medical necessity or medical efficacy.

**Plaintiff has an ulterior motive, *disaster fraud*.**

The State of Ohio has been allocated at least \$1.2 **B**illion just in CARES ACT money and then Stark County in turn has received at least \$43.9 **M**illion when its annual budget is approximately \$8,756,000 with a population of only 370,000 people.

This money is not being spent on any public health emergency, not at all, the Ohio Arts Council is giving out \$20 million in CARES Act grants to 296 arts and cultural groups around the state, including six in Stark County. This money is also being used for helping people with their rent, mortgages and utility payments and of course for only the necessities such as touch-less bathroom fixtures and laptops for city employees who are working from home.

Furthermore, the Ohio state capital budget bill earmarks \$6.5 million for various Stark County projects, including \$1 million each for the Canton Cultural Center for the Arts and Hall of Fame Village. These functions are essential businesses while restaurants for some reason are not. If this were the script of a movie, it would be easy to correctly conclude that the people involved were the ones laundering money.

At the very least, we see a conflict of interest but more likely, we have a severe case of disaster fraud and fraud, abuse and waste of public funds, **for which no member involved with this Stark County scheme has immunity.**

If these funds were paid to Stark County or the plaintiff in order to address, confront and end (presumably) a public emergency that purportedly began in March or April of this year, it is quite obvious by now that Stark County or the plaintiff has proven itself to be utterly incapable of ending the so-called public emergency. Why is Stark County or the plaintiff still using public funds and claiming to be combating the so-called public emergency? If there is a public emergency, Stark County and the plaintiff have proven themselves to be completely incapable of ending it.

It is also interesting to note that the State of Ohio became eligible for a “pandemic insurance” payout once it was involved with pushing these programs (mask wearing, harassing businesses, etc.) for a purported “pandemic” for six continuous months.

In fact, this scheme concerns a matter of great public importance with far-reaching consequences and may be grounds for the appeals court to order appropriate investigations.

The plaintiff’s unfounded allegations are arbitrary and capricious and made with a clear ulterior profit motive that is based upon the false declaration of an emergency in order to obtain funds that are reserved only for actual and *bona-fide* emergencies.

An immediate stay of the plaintiff’s application or temporary injunction is required in order to preserve the *status quo* without endangering the public and to avoid unnecessary costs of litigation.

An immediate stay would not be contrary to public policy as set forth in the Ohio Public Health Preparedness Bench Book written by Judge Robert P. Ringland of the 12<sup>th</sup> District Court of Appeals, of which, the defendants request that this court take judicial notice as it is published on the CDC’s website.

There is a reasonable likelihood of defendants’ success on the merits of this complaint.

WHEREFORE defendants request an order staying the application for injunction, or dissolving the injunction and that this matter be referred to the attorney general's office and the inspector general's office for an investigation into suspected disaster fraud, plus an award for costs and other relief deemed appropriate by this court.

In the alternative, the defendants request that the court order the plaintiff to post a bond equal to the amount of funds that the defendants expect to lose in the next 90 days from this proceeding.

DATED this \_\_\_\_ day of [Month], 2020.

\_\_\_\_\_  
[NAME OF DEFENDANT], defendant  
[address]  
[city state zip]

\_\_\_\_\_  
[NAME OF DEFENDANT 2], defendant  
[address]  
[city state zip]

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v.

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[NAME OF DEFENDANT], ET AL  
DEFENDANT

\_\_\_\_\_ /

**[NAME OF DEFENDANT]'S AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS**

STATE OF OHIO            )  
                                  )     ss  
COUNTY OF STARK        )

I [NAME OF DEFENDANT] do hereby solemnly affirm that the statements herein are true and correct in substance and in fact and that I have personal knowledge of each.

Exhibit A includes true and correct copies of the original written communications between the plaintiff and defendants.

There is no evidence appearing anywhere that I or anyone associated with my business, [name of business], is a direct threat to any other person.

There is no evidence appearing anywhere of any nuisance as alleged by the plaintiff.

There is no evidence of any physician's affidavit having been provided to the Department of Health or any health officer, identifying me or anyone associated with my business as having any communicable disease or having been exposed to any toxic substance.

There is no evidence of any court order, obtained by any petition of the plaintiff or the Department of Health or any public health officer, that was based upon any physician's affidavit in which I, or anyone associated with my business, was identified as having any communicable disease or having been exposed to any toxic substance.

There is no evidence or any court order determining that the I or anyone associated with my business is or was ever a direct threat to anyone.



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[NAME OF DEFENDANT], ET AL

DEFENDANT

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**[NAME OF DEFENDANT 2]'S AFFIDAVIT IN SUPPORT OF  
MOTION TO DISMISS**

STATE OF OHIO            )  
  )     ss  
COUNTY OF STARK        )

I [NAME OF DEFENDANT 2] do hereby solemnly affirm that the statements herein are true and correct in substance and in fact and that I have personal knowledge of each.

Exhibit A includes true and correct copies of the original written communications between the plaintiff and defendants.

There is no evidence appearing anywhere that I or anyone associated with my business, [name of business], is a direct threat to any other person.

There is no evidence appearing anywhere of any nuisance as alleged by the plaintiff.

There is no evidence of any physician's affidavit having been provided to the Department of Health or any health officer, identifying me or anyone associated with my business as having any communicable disease or having been exposed to any toxic substance.

There is no evidence of any court order, obtained by any petition of the plaintiff or the Department of Health or any public health officer, that was based upon any physician's affidavit in which I, or anyone associated with my business, was identified as having any communicable disease or having been exposed to any toxic substance.

There is no evidence or any court order determining that the I or anyone associated with my business is or was ever a direct threat to anyone.

There is no evidence of any court order imposing any terms of isolation or quarantine or other control measures or medical interventions upon me or upon anyone associated with my business.

The complaint does not include evidence affidavits, testimony or other evidence of any nuisance as alleged.

\_\_\_\_\_  
[NAME OF DEFENDANT 2], Affiant

STATE OF OHIO            )  
                                  )     ss  
COUNTY OF STARK        )

Subscribed and Sworn to before me a notary public this \_\_\_\_ day of [Month] 2020.

\_\_\_\_\_  
Signatory of Notary

[Is]



# **EXHIBIT A**

written communications between plaintiff and defendant

**IN THE COURT OF COMMON PLEAS  
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v.

CASE NO. 2020CV99999

[NAME OF DEFENDANT], ET AL

DEFENDANT

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**DEFENDANT'S FIRST REQUESTS FOR  
PRODUCTION AND INTERROGATORIES**

The defendants request the following production of documentary evidence and answer to interrogatories from the plaintiff.

All production is expected to be un-redacted as the meaning of "redacted" and "un-redacted" is defined in the usual and common use of the word in legal proceedings.

The term "Gold standard" is used in the medical sense. In medicine and statistics, a gold standard test is usually the diagnostic test or benchmark that is the best available under reasonable conditions. Other times, a gold standard is the most accurate test possible without restrictions. A footnote is included with the relevant question.

The term "Koch's 4 Postulates" include the following

1. The microorganism must be found in abundance in all organisms suffering from the disease, but should not be found in healthy organisms.
2. The microorganism must be isolated from a diseased organism and grown in pure culture.
3. The cultured microorganism should cause disease when introduced into a healthy organism.
4. The microorganism must be re-isolated from the inoculated, diseased experimental host and identified as being identical to the original specific causative agent.

The term "control group" is meant in the scientific and epidemiological use of the term for the purposes of this discovery.

The plaintiff is required to respond to these requests within thirty days unless otherwise ordered by the court.

1. Produce un-redacted copies of the complaints or reports filed against either of the defendants that gave rise to this proceeding.

2. Provide a list of witnesses that were relied upon for the plaintiff to commence this proceeding.

3. Produce un-redacted copies of the physician's affidavits identifying either defendant or specifically, any of his or her patrons or employees as having been suspected of having a communicable disease of any kind.

4. Produce the scientific findings proving that viruses are contagious pathogens.

5. Produce scientific findings along with evidence discovering the date on which the so-called "Covid-19 Virus" was isolated, purified and visualized; including also the identification and description of the control group involved with this discovery, and the scientific results from tests employed using the medical "Gold standard" and satisfying the long-standing "Koch's 4 Postulates".

6. Identify any test that has been scientifically proven to be able to test for the so-called "Covid-19 Virus" and proof that such tests are intended for the intended diagnostic purpose of discovering a virus or the so-called "Covid-19 Virus", and include a statement from the Food and Drug Administration demonstrating that such tests have been approved (not just permitted or authorized) for the intended use.

7. Identify any employee or patron of my restaurant who contracted any communicable disease as a result of patronizing or being employed by my restaurant and include a copy of each physician's affidavit with test results, specifically identifying each individual and the specific communicable disease.

8. When did the Department of Health take any judicial action to apply to the court, in relying upon any of these physician's affidavits, to implement any quarantine measures for any specific individual named as a defendant as a consequence of the physician's affidavit?

9. Cite the law that requires either defendant to carry out medical interventions upon patrons or employees.

10. Cite the law that requires either defendant to impose medical interventions upon his or her patrons or employees against their will and without informed consent.

11. Provide evidence that the medical interventions of wearing a mask prevents the spread of any communicable disease.

12. Produce copies of all scientific evidence relied upon by the governor of the State of Ohio or any public health official to determine that there was a state of emergency and to declare the same.

13. Produce copies of all scientific evidence relied upon by the Department of Health to determine that there was a state of emergency and to declare the same.

14. Produce copies of all scientific evidence relied upon by Stark County to determine that there was a state of emergency and to declare the same.

15. What scientific evidence establishes the medical necessity of wearing a mask or any other “guidelines” for preventing the spread of a disease?

16. What scientific evidence establishes the medical efficacy of wearing a mask or any other “guidelines” for preventing the spread of a disease?

17. What evidence does the plaintiff have to establish that the defendants and their business are a nuisance or that any nuisance exists anywhere on the premises of the business?

18. Is the defendant part of the very epidemiological experiment that would have been used to justify the plaintiffs’ claims?

19. Has the epidemiological experiment been disclosed to the public and to the defendant and approved by the Food and Drug Administration as required by law?

DATED this \_\_\_\_ day of [Month], 2020.

\_\_\_\_\_  
[NAME OF DEFENDANT], defendant  
[address]  
[city state zip]

\_\_\_\_\_  
[NAME OF DEFENDANT 2], defendant  
[address]  
[city state zip]

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[NAME OF DEFENDANT], ET AL

DEFENDANT

\_\_\_\_\_ /

**CERTIFICATE OF SERVICE**

I [NAME OF DEFENDANT] do hereby certify that a true and correct copy of the foregoing was duly served upon the plaintiff's attorney Deborah A. Dawson. at the address of 110 Central Plazza South, Suite 510, Canton, Ohio 44702-1413 via first class mail on this \_\_\_ day of [Month] 2020.

By: \_\_\_\_\_