

DISABLED RIGHTS ADVOCATES, PLLC

CHAMPIONS FOR INDIVIDUAL LIBERTIES

25 January 2022

Sir/Ma'am,

I am one of the attorneys of record who filed the civil action Robert, Mulvihill, et al. v. Department of Defense (DoD), Food and Drug Administration (FDA), et al., in Colorado federal district court, #1:21-cv-2228. That case challenges the mandatory vaccine program launched by Secretary of Defense Lloyd J. Austin's Aug. 24, 2021, Memorandum on behalf of two classes of plaintiffs:

- (1) All members of the armed forces who have been ordered to receive vaccination with anything other than a product "fully licensed" by the FDA because that explicitly violates federal law (10 U.S.C. 1107);
- (2) All members of the armed forces who have already had COVID-19 and therefore have already acquired, natural immunity.

The second class of plaintiffs are presumptively exempt from being vaccinated against a virus that they have already had, in accordance with longstanding and well-established principles of immunology and virology, which are contained in DoD Instruction AR 40-562 regardless of the licensure status of any vaccine against COVID-19. AR 40-562, para. 2-6, expressly exempts service members from vaccination who have previously had an infection from the same virus.

I have advised all plaintiff members of both classes not to receive the shots while the litigation is pending because it would jeopardize their standing as members of the plaintiff classes. _____ is a member of the class of plaintiffs. _____ should be legally exempted from the shot until the court has ruled on the merits of the litigation, per AR 40-564, Appendix C-2 (AT). Attempts to interfere with a person's rights and status in ongoing federal litigation will be referred to the judge for his consideration and action.

Very Respectfully,

David Willson

David Willson, Esq.