

CoMED INC.

14 REDGATE COURT,
SILVER SPRING, MD 20905-5726

CoMeD, Citing the Failure of the Department of HHS and the FDA to Comply with Vaccine Laws, Files Notice of Appeal

Press Release

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Washington, DC: Yesterday, the Coalition for Mercury-Free Drugs (CoMeD, Inc.) filed notice of appeal in its 2009 federal lawsuit (1:09-cv-00015), which was dismissed on the grounds that the CoMeD plaintiffs lacked standing.

This federal lawsuit seeks to have the federal courts compel the Secretary of the U.S. Department of Health and Human Services (HHS) and the Commissioner of the U.S. Food and Drug Administration (FDA, through their subordinates, to comply with certain federal statutes, laws and regulations governing vaccine safety and vaccine licensing and approval.

Although the applicable regulations and statutes under which the CoMeD plaintiffs brought this lawsuit provide a clear path to the federal district courts and direct them to hear such black-letter legal issues, the district court:

- ◆ Failed to recognize the CoMeD plaintiffs' direct rights to seek legal redress in federal court,
- ◆ Treated the CoMeD lawsuit as if it were about the toxicity of mercury instead of the defendants willful and knowing failure to comply with the statutes, laws and regulations governing the defendants' mandated conduct in the areas of vaccine safety and vaccine licensing and approval, and
- ◆ Dismissed the CoMeD lawsuit on the grounds that the CoMeD plaintiffs lacked standing.

In the appeal, the CoMeD plaintiffs hope to focus the attention of the appeals court on:

- ◆ The black letter law issues raised by the plaintiffs and not addressed by the defendants in their opposition to plaintiffs' motions and
- ◆ The statutory and regulatory authority that specifically grants the CoMeD plaintiffs access to the federal court to seek redress for the failures of the Secretary of HHS and the Commissioner of the FDA, through the actions of themselves and/or their subordinates, to comply with statutes, laws, and regulations governing their official activities with respect to making vaccines safer, and vaccine licensing and approval.

In this effort, CoMeD is seeking the support of others to assist in funding this appeals effort and, where appropriate, to review the record and write supportive friends-of-the-court (*amicus curiae*) briefs in support of the CoMeD plaintiffs' efforts to have the federal courts hear their lawsuit.

To support the ongoing efforts of CoMeD, Inc. with your tax-deductible contributions, please use the PayPal link on CoMeD's Internet website, <http://www.Mercury-freeDrugs.org>.

CoMeD, Inc. is a not-for-profit 501(c)(3) corporation that is actively engaged in legal, educational and scientific efforts to stop all use of mercury in medicine, and to ban the use of all mercury-containing medicines.