

# Lawsuit on Behalf of Vaccine-injured Seeks to Strike Down ‘Unconstitutional’ PREP Act

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*Moms for America and individual plaintiffs who were injured by a COVID-19 vaccine, or whose loved one suffered injury or death from a COVID-19 vaccine, allege the federal law granting vaccine makers immunity for injuries caused by their products violates the U.S. Constitution.*

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**A [lawsuit](#) filed Tuesday seeks to strike down the [PREP Act](#) — the federal law that granted legal immunity to companies such as Pfizer and Moderna for injuries caused by their COVID-19 vaccines and other COVID-19 countermeasures.**

The lawsuit, filed in the U.S. District Court for the Middle District of Florida, Tampa Division, alleges the [Public Readiness and Emergency Preparedness \(PREP\) Act](#) violates the U.S. Constitution and the [Administrative Procedure Act](#), which governs how federal agencies develop and issue regulations.

Plaintiffs in the suit include the nonprofit [Moms for America](#) and individual plaintiffs who were injured by a [COVID-19](#) vaccine, or whose loved one suffered injury or death from a COVID-19 vaccine.

According to the [complaint](#), "This case is about the government's failure to resolve conflicts involving Americans killed or grievously harmed while receiving healthcare during the COVID-19 pandemic."

Defendants are the U.S. Department of Health and Human Services (HHS), the U.S. Health Resources and Services Administration, HHS Secretary Xavier Becerra and President Joe

Biden.

“As even [The New York Times](#) has recently acknowledged,” [Jeff Childers](#), attorney for the plaintiffs, told [The Defender](#), “too many Americans have been injured by the COVID [vaccines](#) and other rushed treatments, and now have no recourse, no help and no support. They can’t sue anybody, thanks to PREP.”

“PREP was poorly conceived, badly executed, and gave far too much power to unelected bureaucrats and [executive agencies](#),” he added.

[Childers wrote on Substack](#) today that the PREP Act should “be crushed and burned to a cinder in the incinerator of history’s worst ideas.”

The lawsuit asks the court to declare the PREP Act unconstitutional and to declare that the HHS secretary’s actions in implementing the act violate the Administrative Procedure Act.

The suit also asks the court to declare that the plaintiffs can sue companies like Pfizer and Moderna in federal and state courts. It also seeks compensation for attorney fees.

## **COVID Revealed How Bad PREP Act Is for Americans**

In 2005, Congress passed the PREP Act in a defense appropriations bill after then-President George W. Bush gave a “passionate speech about the nation’s lack of preparation for biowarfare and pandemics,” Childers told [The Defender](#).

The PREP Act authorizes the HHS secretary to declare that “a disease or other [health condition](#) or other threat to health [constitutes a public health emergency](#).” It also grants a “covered person” [immunity from legal liability](#) for all claims for loss relating to the administration or use of “countermeasures,” such as drugs, biological products, medical devices and vaccines.

“Before COVID,” Childers said, “it was barely used.”

Kim Mack Rosenberg, general counsel for [Children’s Health Defense](#), told [The Defender](#) the COVID-19 pandemic has “shined a bright light” on the PREP Act.

“I think it is safe to say,” she said, “most Americans had no idea that as COVID vaccines were developed and rolled out at ‘warp speed’ — and in many instances mandated or taken by individuals based on fear-mongering — and as medications such as [remdesivir](#) were forced on many patients, that if they were harmed or died as a result of these interventions they would be essentially left with no remedy.”

The PREP Act set up the [Countermeasures Injury Compensation Program](#) (CICP) court where those injured by COVID-19 countermeasures can bring their claims.

Injuries related to vaccines that are not considered countermeasures to a public health emergency are handled by the [National Vaccine Injury Compensation Program](#) and its court, according to the [National Childhood Vaccine Injury Act of 1986](#).

Childers called the CICP court an “unconstitutional shadow court” in which “a secret bureaucracy denies 99% of claims and awards the ‘lucky few’ with pennies on the dollar.”

As of June 1, CICP had received [13,773 claims](#) and issued decisions for only 3,363 of those claims. The program denied 3,271 of the claims.

Thirteen of the [claims awarded](#) were for injuries suffered from a COVID-19 vaccine. Less than \$10,000 was awarded for each of the claims, with the total payout for all 13 claims amounting to less than \$50,000.

“In other words,” he said, “PREP cuts normal Constitutional courts out of the process, replacing them with a poor, unconstitutional substitute.”

PREP has already done “massive damage,” Childers said, “by turning normal commercial incentives inside-out and deleting due process.”

He added, “We must get help to millions of people discarded by the system, and prevent this disaster from ever happening again.”

The Florida lawsuit calls out CICP’s “breathtakingly short” one-year statute of limitations for:

“Injuries caused by unknown, unknowable, and non-existent vaccine products and technologies. Even to receive program compensation, the Act requires causation to be proved based on established science for those same novel products and technologies. Most medical studies take years to conduct, be drafted, be peer-reviewed, and to be published. It is irrational to believe that a person taking a covered countermeasure could possibly have access to published medical/scientific studies within the one-year statute of limitation.”

## **Lawsuit Is 1 of 3 Suits Challenging PREP Act**

Childers’ lawsuit is one of three active cases challenging the PREP Act, according to attorney [Ray Flores](#) who on May 31 filed a separate [lawsuit against the U.S. Department of Defense \(DOD\)](#), which oversaw the development and distribution of the drug under [Operation Warp Speed](#).

In addition to the suits filed by Childers and Flores, [attorney Aaron Siri in October 2023 sued HHS](#) and other government agencies on behalf of [React19](#) — an advocacy group whose 36,000-plus members were [injured by the COVID-19 vaccines](#) — and eight vaccine-injured individuals.

Flores told The Defender, “The PREP Act and the Department of Defense’s Operation Warp Speed are indeed acts of war on our own — hundreds of thousands of civilian casualties, violations of the [Nuremberg Code](#), and essentially no monetary recourse for their experimenting on humanity at large.”

Flores added, “I applaud Mr. Siri and Mr. Childers for raising awareness with the public, with the courts, on Capitol Hill and in the press.”

When the Defender reached out to HHS for comment on the lawsuit, an HHS spokesperson who chose to remain anonymous said the agency cannot comment on ongoing litigation.

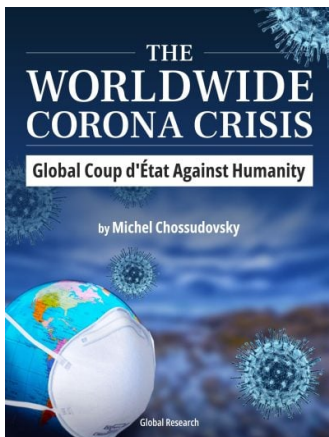
The Defender reached out to the White House for comment on the suit but did not receive a response by deadline.

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## **The Worldwide Corona Crisis, Global Coup d'Etat Against Humanity**

**by Michel Chossudovsky**

Michel Chossudovsky reviews in detail how this insidious project “destroys people’s lives”. He provides a comprehensive analysis of everything you need to know about the “pandemic” — from the medical dimensions to the economic and social repercussions, political underpinnings, and mental and psychological impacts.

*“My objective as an author is to inform people worldwide and refute the official narrative which has been used as a justification to destabilize the economic and social fabric of entire countries, followed by the imposition of the “deadly” COVID-19 “vaccine”. This crisis affects humanity in its entirety: almost 8 billion people. We stand in solidarity with our fellow human beings and our children worldwide. Truth is a powerful instrument.”*

### **Reviews**

*This is an in-depth resource of great interest if it is the wider perspective you are motivated to understand a little better, the author is very knowledgeable about geopolitics and this comes out in the way Covid is contextualized. —Dr. Mike Yeadon*

*In this war against humanity in which we find ourselves, in this singular, irregular and massive assault against liberty and the goodness of people, Chossudovsky’s book is a rock upon which to sustain our fight. —Dr. Emanuel Garcia*

*In fifteen concise science-based chapters, Michel traces the false covid pandemic, explaining how a PCR test, producing up to 97% proven false positives, combined with a relentless 24/7 fear campaign, was able to create a worldwide panic-laden “plandemic”; that this plandemic would never have been possible without the infamous DNA-modifying Polymerase Chain Reaction test - which to this day is being pushed on a majority of*

*innocent people who have no clue. His conclusions are evidenced by renown scientists.*  
—**Peter Koenig**

*Professor Chossudovsky exposes the truth that “there is no causal relationship between the virus and economic variables.” In other words, it was not COVID-19 but, rather, the deliberate implementation of the illogical, scientifically baseless lockdowns that caused the shutdown of the global economy.* -**David Skripac**

*A reading of Chossudovsky’s book provides a comprehensive lesson in how there is a global coup d’état under way called “The Great Reset” that if not resisted and defeated by freedom loving people everywhere will result in a dystopian future not yet imagined. Pass on this free gift from Professor Chossudovsky before it’s too late. You will not find so much valuable information and analysis in one place.* -**Edward Curtin**

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