In the Chancery Court of Hamilton County, Tennessee

State of Tennessee, ex rel. David Jonathan Tulis)
)
V.)
) Case No. 20-0685
Bill Lee)
Governor, State of Tennessee)
In his personal capacity)
In his official capacity) ***Expedited***
)
Rebekah Barnes)
Administrator, Hamilton County Health Department)
In her personal capacity)
In her official capacity)

Petition in equity and for writ of mandamus

Statement of the Case

1. This remedy is required immediately to stop the abuse of unwarranted Police Power committed by the respondents in dereliction of the duty imposed upon them pursuant to T.C.A. 68-5-104, or the Tennessee constitution, committing, or acting by omission to commit, unwarranted statewide restraint of life, liberty and property.

2. Creating an extraordinary disaster, on or about March 12, 2020, Gov. Bill Lee declared a communicable disease health emergency, with Rebekah Barnes'office issuing Directive No. 1 of the Hamilton County health department, effective July 10, 2020, and taking various actions for flulike symptoms, given the name "COVID-19" disease, without benefit of due process or the fulfillment by respondents, though they have a public legal non-discretionary duty, pursuant to T.C.A. § 68-5-104, to determine or find evidence for the infectious agent, contagion or communicable source for the disease, the existence of which is merely presumptive, not actual.

3. It is commonly known there is no test for the presumptive contagion or infectious agent of COVID-19 despite official misrepresentations or assurances to the contrary. Respondents act without

bona fide demonstrable exigence or jurisdiction and by their unwarranted and unconstitutional premature actions or arbitrary and capricious, even deadly, purported mitigation measures are causing irreparable harm and injustice, wreaking havoc on the relator, fellow Tennesseans and the state of Tennessee.

4. This remedy is to stop the abuse of unwarranted police power committed by the respondents in dereliction of the duty imposed upon them through T.C.A. 68-5-104.

5. The relator through this petition and verified complaint demands the respondents' wrongful acts done under color of authority be halted, emptied of all force and effect and be declared void ab initio; in addition, that they be found a fraud and waste upon the public treasury that respondents have a duty to protect. The relator demands the court do anything else it deems serves the ends of justice to relieve the relator, fellow Tennesseans and state of Tennessee of the ongoing wrongs and oppression.

6. Given there is no adequate remedy at law, this evidence-supported extraordinary remedy of imperative and public cause demands this court quash all relevant emergency orders or administrative actions, official acts existing without the benefit of an objective determination for the infectious agent of contagion or communicable source.

Jurisdiction

7. This petition for remedy is proper in this court pursuant to the Tennessee constitution at article 1, section 17, "*That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law,*" and to Tenn. Code Ann. § 29-25-101, Mandamus, power to issue writ.

8. Relator demands a peremptory writ to benefit the public at large.

Venue and parties

9. This remedy is proper in this court.

10. Bill Lee, respondent, governor of the State of Tennessee, having a fiduciary duty, assumed in taking the oath of office, to the laws of the state of Tennessee and to Tennesseans, such as the relator, is

sued in his official and private capacity; he issued the first state-wide emergency order, March 12, 2020, of many, pertaining to Hamilton County.

11. Rebekah Barnes, respondent, the Hamilton County health department administrator who has taken office and employment subject to state of Tennessee laws, and limited thereby, is sued in her official and private capacity, is responsible for having her health officer, Dr. Paul Hendricks, issue Directive No. 1 of the Hamilton County health department, effective July 10, 2020, pursuant to the governor's statewide emergency order of March 12, 2020.

12. These parties are subject to the Tennessee Constitution and Tennessee Code Annotated, T.C.A., as regulatory upon government agents, and to the petitioner having the right to compel.

13. Relator, on behalf of the state of Tennessee, demands this court be a court of record, operating on the land and in equity, and that it deal with him as one of the people of Tennessee, not as a person or an individual, but a private man claiming all of his rights, whether antecedent or pursuant to the Tennessee constitution and its bill of rights, and all unenumerated rights, as well as those recognized implicitly in that document, and further demands remedy for the extraordinary irreparable harm done to him and the state of Tennessee by respondents.

14. The state of Tennessee seeks redress on relation of petitioner, David Jonathan Tulis, without any corporate capacity, and he denies any and all presumptions against himself as in any other character, declaring he is one of "the free people" in the state of Tennessee and a citizen of this state.

Statement of Facts

15. I, David Jonathan Tulis, being over the age of 18 years of age, having the right to compel the respondents to do — or refrain from doing — by the appropriate remedy, am competent to testify to and do offer into evidence, the following:

16. This petition is prosecuted in good faith and not for indirect purposes and this court is competent through this remedy to provide redress to which the respondents are subject.

17. Incorporating herein by this reference, the Statement of the Case, above.

18. The respondents have and owe a duty and obligation to comply with the laws of the state of Tennessee to the relator, Tennesseans and to the state of Tennessee.

19. The respondents cannot declare an emergency or rely on emergency power without an objectively bona fide demonstrable exigency.

20. The respondents have assumed power without an objectively bona fide demonstrable exigence harming relator, fellow Tennesseans, and the state of Tennessee, with unwarranted statewide restraint of life, liberty, and property.

21. That David Jonathan Tulis has a right to life, liberty and property and peaceful pursuit protected from infringement through due process of law under the Tennessee constitution, 1870, and that he and the state of Tennessee are being irreparably injured by respondents' refusal to obey Tenn. Code Ann. § Title 68, health, regarding epidemics and health departments, and he sues so that harms, such as to commerce, travel and constitutionally guaranteed rights may be halted and dignity restored to the people.

22. Relator has been irreparably injured and harmed by respondents' actions; **Exhibit 1, affidavit of David Jonathan Tulis of private injuries, 5 pp, incorporated here by reference.**

23. The entire injury to state of Tennessee and relator is due to defiant, willful and malicious disobedience to the duty delegated pursuant to Tennessee, Title 68, health law through a purported epidemic, called COVID-19, disease, ostensibly a common cold, i.e., coronavirus, the infectious agent of which has not and cannot be determined as proposed or presumed, whether or not novel.

24. The governor refuses his duty under T.C.A. § Title 68 requiring him to identify the infectious agent, claimed only presumptively though never proven to be SARS-COV-2, and its transmission agent or mode of contagion for this disease, the symptoms called COVID-19.

25. Relator, on July 24, July 27, Aug. 11, Aug. 12 and Aug. 14, 2020, sent letters by e-mail to respondent Gov. Lee via agents Bill Christian (office of communication and media relations, department of health) and Gillum Ferguson (press secretary) letters inquiring about his compliance with state health law during times of alleged emergency; **Exhibit 2, correspondence with respondent Lee's agents, 23 pp, incorporated here by reference.**

26. Relator, on Aug. 19, 2020, made a phone call to the office of respondent Barnes' health officer, Dr. Paul Hendricks, intending to make inquiry as to evidence of official compliance with T.C.A. § 68-5-104, given there is no information available from public sources, such as the Internet. Dr. Hendricks refused phone comment. Relator is a member of the press and was directed to go through press channels.

27. Relator, on Aug. 27, served by certified mail no. 70201810 0000 3048 3681, return receipt, to Dr. Hendricks, received Aug. 31, a letter demand for evidence on five public duties in Title 68, chapters 1 and 5, to which he is subject. The letter sought evidence that the department did "confirm or establish the diagnosis," and did "determine the source or cause of the disease," and did establish from the first valid case of COVID-19 in Hamilton County the cause or "contagious principle" in a report to the governor. **Exhibit 3, David Tulis letter demand for evidence of compliance with public duty, 2 pp, incorporated here by reference.**

28. Dr. Hendricks sent relator a letter dated Sept. 2, 2020, in which he represented, "I can answer your questions in general terms." **Exhibit 4, Sept. 2 letter from Dr. Paul Hendricks, 1 page, incorporated here by reference.**

29. The correspondence does not include evidence responsive to the relator's demand regarding obedience to the statute regarding the COVID-19 flu as a contagious disease apart from other strains common in the population.

30. To date neither respondent, though having the duty to, has returned any communication or provided any thing evidencing compliance with public duties mandated by the legislature in law, whether or not redacted.

31. Regarding correspondence with respondent Gov. Lee, the most significant is the demand letter Aug. 14, 2020, to Gillum Ferguson, press secretary, that cited Tenn. Code Ann. § Title 68-1-204, and his response. The letter questioned respondent Lee's authority, asking about "sanitary investigations and inquiries" into the source and cause of COVID-19, "appropriate recommendations" from his health commissioner, her duty to certify the source or infectious agent and the use of quarantine powers.

32. Mr. Ferguson did not answer the questions, but referred relator, self-referentially, to the governor's Executive Order No. 13, first declared a state of emergency on March 4, 2020.

33. Mr. Ferguson's response is erroneous, an administrative breach violating relator's right to accurate information. Respondent Governor Lee's first executive order on COVID-19 is No. 14 of March 12, 2020, in which respondent does "hereby declare a state of emergency exists to facilitate the response to COVID-19." No. 13 of March 4, 2020, deals with tornado damage and recovery.

34. Relator reasonably relies upon the silence of the respondents, causing the need for this remedy.

35. Each respondent is in violation of the public duties imposed through T.C.A. § 68-5-104.

36. Respondent(s) did not receive "a report of a [Hamilton County] case, or suspected case, of disease declared to be communicable, contagious, or one which has been declared by the commissioner of health to be subject to isolation or quarantine," pursuant to and required by T.C.A. § 68-5-104.

37. Respondent(s) did not "confirm or establish the diagnosis", pursuant to and required by T.C.A. § 68-5-104.

38. Respondent(s) did not "determine the source or cause of the disease" pursuant to T.C.A. § 68-5-104.

39. Respondent(s) did not use any testing method[s] which could identify the cause of the disease.

40. Respondent(s) did not have a required communication or report of the initial case, in anticipation of compliance with TCA § 68-1-202, the cause, or "contagious principle" or transmission mode to the commissioner, or governor, or any other government official.

41. Respondent(s) or department did not "take such steps as may be necessary to isolate or quarantine the case or premise upon which the case, cause or source may be found, as may be required by the rules and regulations of the state department of health," and of the "contagious principle" or transmission mode and did not send its findings to the Commissioner or governor or any other government official, pursuant to either T.C.A. § 68-5-104 or T.C.A. § 68-1-202.

42. The lack of evidence from respondent(s) of a testing method is consistent with the C.D.C. "Serology Test for COVID-19" website admission that, and speaking only to inadequate antibody tests, "Initial work to develop a serology test for SARS-CoV-2 is underway at CDC," and notwithstanding COVID-19 is mere symptoms not an infectious agent for which a blood test is relevant. In other words, there is no actual future test planned to identify SARS-CoV-2, which nevertheless is a syndrome, not an infectious agent upon which respondent(s) can rely to fulfill their duties pursuant to T.C.A. § 68-5-104 despite claims to the contrary that they have.

43. Contrary to official assurances, the PCR test, or any derivation, is unsuitable for detecting an infectious agent. The PCR test, or of any variant, is not intended for diagnostic purposes, or as being used by the respondent(s).

44. The respondents' adopting, or determining SARS-CoV-2 is the infectious agent or causative of COVID-19, is without proper scientific or lawful objective basis.

45. According to "Rules of Tennessee Department of Health," 18 pp, "case" is defined a "reportable disease, health disorder or condition **under investigation** by CEDS" (emphasis added). Every reported case, then, is an ongoing investigation for which there should be evidence. The respondent(s) provide no evidence of any investigation to support their claim of cases, starting with a first case in Hamilton County, hiding the evasion under color of patient privacy, despite the power of redaction.

46. Respondent(s)' silence on these facts is admission that they have no way to investigate, or identify the virus, diagnose it or deal confidently with those who are its presumed victims, called cases by rule definition. The pretense of respondent(s) jeopardizes everyone in state of Tennessee.

47. Even if there were cases under investigation, based upon local reports, there appears no determination of the source or contagion upon which respondents are authorized to act upon or to mitigate.

48. The state of Tennessee, on relation, is in this honorable court seeking remedy because respondents are acting without benefit of the duty imposed upon them by the legislature to protect the public.

49. Instead of obeying the law, evading constitutionally required due process and to confine their actions within a lawful delegation to protect relator and state of Tennessee, the respondents rely upon such tactics as subterfuge, confusion, and deceit.

50. The respondents' official acts are either unjust, unwarranted, wrongful, irrational, arbitrary, unreasonable, or an oppressive interference with relator's liberty or other lawful interest.

51. Respondent(s)' limiting the liberty of the entire county, let alone the entire state, was not a reasonable regulation pursuant to T.C.A. § 68-5-104 or the Tennessee constitution.

52. The respondents are deliberately indifferent to the fulfillment of their duties to ensure due process to protect the people, even if acting in good faith.

53. Respondent(s)' unwarranted official acts, herein, breach the established separation of powers principle.

54. The burden of proof is upon respondents to demonstrate the compelling interest for their official acts, herein, the response to which is narrowly tailored.

55. In anticipation of defenses, and because of the evasive tactics of respondents, the relator offers further evidence challenging the legitimacy of the record relied upon by respondents, such as but not limited to any assumed sovereign prerogative, or that:

56. — Any COVID-19 emergency order is either facially defective or fraudulent, or does not meet the requirements of T.C.A. **§** 68-5-104 for purposes of lawful due process.

57. The public record about the subject matter of COVID-19, relied upon by respondents, takes advantage of an obfuscation of terms causing confusion, or that of which the court is required to take judicial notice that it can do justice.

58. For instance, severable, and not to any exclusion or particular application of the myriad other terms, in quotes below, or tactics by them, to preserve evidence of one method of deception by the misuse of confusion of terms:

59. “COVID-19” is not a virus, or any other infectious agent.

60. “COVID-19” is not a communicable disease. Without identification of an infectious agent, it is only symptoms.

61. “Coronavirus” is not COVID-19, but is said to cause the common cold.

62. “Coronavirus” is not novel.

63. “COVID-19” is the name for flu-like symptoms, called a disease, notwithstanding its assumed common cold origins, not influenza, the seasonal flu and without proven cause, neither common nor seasonal are novel.

64. “2019-nCoV” is in the PCR Diagnostic Panel admitting of no isolates, despite being renamed SARS-CoV-2.

65. “SARS-CoV-2” is not COVID-19 or visa versa, nor interchangeable with each other.

66. “SARS-CoV-2” is not lawfully proven causative of COVID-19, though misrepresented as the infectious agent.

67. “SARS-CoV-2” is a speculation best described by the phrase, “Much is unknown about SARS-CoV-2.”

68. “rt-PCR”, PCR, or its variants do not test for an infectious agent nor determine viral load or immunity.

69. “COVID-19”, without a demonstrable infectious agent, can be no more a crisis than the seasonal flu symptoms claimed to describe it or many other non-novel immunological insults.

70. The health department references the Polymerase Chain Reaction, PCR, test in its letter. But this test or its variants do not prove the existence of SARS-CoV-2 nor any viral load, and are useable only for evidence of some immunological response to some biological insult, such as antibodies.

71. Despite the respondent(s)' parroted promotions of "appropriate medical experts," which "shall be considered appropriate" pursuant to Tennessee Department of Health Chapter, 1200 Rule 1200-14-1-.15 (3), there is no PCR test which can confirm COVID-19 in any infectious sense.

72. Because of PCR research technique short-comings or inadequacy, in a wild setting people with comorbidity will likely test positive, hiding an underlying health problem in favor of the current COVID-19 darling.

73. "COVID-19 pandemic" has no basis for existence within the jurisdiction of respondents, COVID-19 being flulike symptoms that cannot form the basis for a "pandemic," which requires identification of an novel infectious agent or contagion, whether domestic or foreign, and by more than a speculative presumption.

74. A domestic "pandemic" is a numbers-driven condition, beyond the local jurisdiction, stemming from an epidemic the initiation of which requires identifying an outbreak of *something communicable in a locale.*

75. An international "pandemic" as used by the non-governmental World Health Organization, W.H.O., is a private special-use term for purposes outside the jurisdiction and authority of respondents.

76. Use or misuse of these terms herein by the respondents or the foreigners from whom they take undue influence do not displace or absolve the duty upon the respondents imposed by T.C.A. § 68-5-104.

77. Identifying or alluding to the common cold, i.e., coronavirus, without more, as "novel" is fraud.

78. Respondent Lee says in E.O. 14 of March 12, "on March 11, 2020, the World Health Organization declared the outbreak of a global pandemic," Pg. 2.

79. The W.H.O. did not declare a pandemic. It made a political declaration that the spread of flu-like symptoms merely "can be characterized as a pandemic," and the announcement did not change its prior assessment for "the threat posed" of "the virus," which remains unidentified. The virus is only presumed to be the common cold, i.e., a coronavirus causing flu-like symptoms; and only presumed to be novel. The remark did not explain the method of identifying any causal infectious agent, while admitting, "We have never before seen a pandemic sparked by a coronavirus.";

https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020

80. The W.H.O. did not change its assessment of the threat of the "the virus" because it is known there is no test for the infectious agent; and in this matter, merely a presumptive agent, suggested by a hostile foreign government, said to have been spread from China, offered to the world for acceptance a mere speculation that cannot be used for the basis for a pandemic declaration, or to fulfill T.C.A. § 68-5-104.

81. No entity, foreign or domestic, has ever definitively declared "the virus" or infectious agent for COVID-19, but misleadingly presumptively.

82. T.C.A. § 68-5-104 requires much more than presumptive reliance. It requires locally sourced information and diagnosis to certain determination, and the respondents knew or should have known about this duty and should have obeyed it to protect the rights and property of the people of Tennessee.

83. Relator requires this court to take judicial notice, based on general reports, that the W.H.O. is working in concert with China, a country with whom the United States has hostile relations, if not in a silent economic and societal war, and that it imperils justice to accept the "COVID-19 pandemic" narrative without actually certifying an actual novel and infectious agent.

84. The W.H.O. Director-General Tedros Adhanom Ghebreyesus, who is not a medical doctor, revealed COVID-19 is not a health crisis but arises from a political motive, stating, "In particular, the COVID-19 pandemic has given new impetus to the need to accelerate efforts to respond to climate change." He further stated, "Throughout history, outbreaks and pandemics have changed economies and societies.";
https://www.cnbc.com/2020/08/21/who-warns-a-coronavirus-vaccine-alone-will-not-end-pandemic.html

85. If the relator had thought the judiciary was protected and actually independent, that confidence was dashed when reading that the American Bar Association's House of Delegates in 2013, reaffirmed its 1991 and 2003 "commitments to sustainable development, and defines sustainable development as 'the promotion of an economically, socially and environmentally sustainable future for our planet

and for present and future generations," and professes an "ongoing commitment to the International Legal Resource Center in collaboration with the United Nations Development Program," "giving impetus" to the federal government. "The U.S. government should take a leadership position in ongoing and future negotiations on sustainable development, including climate change" while developing a "[p]artnership in the Global Forum for Law, Justice, and Development" and a "new, dynamic and innovative initiative spearheaded by the World Bank Legal Vice Presidency with the support of client countries, think-tanks, regional and international organizations, international financial institutions, and civil society organizations," to support "ongoing negotiations relevant to sustainability include a variety of processes on specific issues established by the U.N. Conference on Sustainable Development (e.g., strengthening international institutions) and a new international framework to address climate change under the U.N. Framework Convention on Climate Change."; https://www.americanbar.org/content/dam/aba/administrative/office_president/2013_hod_annual_meeting_105.authcheckdam.pdf

86. Such position is contrary to the organic law of the land in the United States and the state of Tennessee and by more than the mere appearance of impropriety creates a constitutional crisis relative to a conflict of interest within the judicial branch of the state and a trust breach.

87. The uniformity of administratively biased actions, instead of challenging the lawfulness of the suspiciously consistent national public health orders failing to identify an infectious agent nationwide, together with that reliance consistency by respondent(s), alerted the relator to another official mistreatment: That these deleterious foreign adjuncts — administrative policy and performance merely appearing lawful — are promoting sustainable governance, not good government, republican representative in form, and state officials have no lawful authority under their oaths of office, the constitution, nor Tennessee code to operate as if reflexive law theory were a valid operating paradigm in the state of Tennessee in serving the people to whom they owe trust obligations.

88. The global scope of the manmade disaster, referred to as authority in the respondent(s)' order, foisted upon the people of Tennessee is consistent with implementing "whole-of-government and whole-of-society approaches, and routinely conduct multisectoral simulation exercises," Pg. 8, and "enhancing United Nations system leadership for preparedness, including through routine simulation exercises," and "systemwide training and simulation exercises including the deliberate release of a lethal respiratory Pathogen" pursuant to "the IHR (2005)" or International Health Regulation at Pg.

39, annual report on global preparedness for health emergencies, Global Preparedness Monitoring Board, GPMB, September 2019; https://apps.who.int/gpmb/assets/annual_report/GPMB_annualreport_2019.pdf

89. The acknowledgments section of the Global Preparedness Monitoring Board document is the Who's dWho of the W.H.O. cohorts agreeing to execute a pandemic exercise, including director-general, Chinese Center for Disease Control and Prevention, People's Republic of China, World Bank, and Johns Hopkins University, host of Event 201, model simulation. The simulation is based upon catastrophically fraudulent modeling of a fabricated respiratory "novel" pathogen begun mere months prior to the "live exercise" U.S. Secretary of State Michael R. Pompeo admits coincided with the worst seasonal influenza season in a decade, reported Nov. 3, 2019; https://philadelphia.cbslocal.com/2019/12/03/us-experiencing-highest-flu-infection-rate-at-this-point-of-season-in-a-decade-cdc-says/

90. "We're in a live exercise here," Secretary Pompeo said in a press conference with President Trump March 20, 2020. "To get this right. We need to make sure that even today the data-sets that are available to every country, including data-sets that are available to the Chinese Communist part, are made available to the whole world."; https://www.c-span.org/video/?c4875167/user-clip-mike-pompeo-live-exercise

91. Even non-fraudulent models are not reality and cannot fulfill the intent and purpose of T.C.A. § 68-5-104 or constitutional constraints or securities thereby guaranteeing fundamental rights in the relator or of other Tennesseans, such as due process protections.

92. The supposed novel Wuhan origin and name of the disease is thrown into doubt with the World Bank website, up until recently, was exposed for showing COVID-19, PCR-related test kits being exported around the world beginning 2017. Evidence copy is available through Archive.org Wayback Machine, "COVID-19 Test kits (300215) exports by country in 2017."; https://web.archive.org/web/20200905084636if_/https://wits.worldbank.org/trade/comtrade/en/country/ALL/year/2017/tradeflow/Exports/partner/WLD/nomen/h5/product/300215

93. The 2017 COVID-19 product existence is corroborated through the Organisation for Economic Co-operation and Development website, "Figure 6. Tariffs on COVID-19 products remain" for the years 2017-2018, as follows; "Note: These are simple average applied tariffs for the years 2017-2018

for 128 countries where information was available.";
http://oecd.org/coronavirus/policy-responses/trade-interdependencies-in-covid-19-goods-79aaa1d6/#p-d1e2429

94. The implementation is confirmed for what is an exercise designated as COVID-19 ostensibly for a "respiratory pathogen," i.e. characterized being "novel," i.e., invented, patentable and named symptomatologically "SARS-COV-2," by Secretary Pompeo and not a bona fide health crisis.

95. Patents are issued for novel things. The C.D.C. did patent a coronavirus virus, circa 2003, which was subsequently denied. A patent to the "Current Assignee, Centers of Disease Control and Prevention CDC," for US7220852B1 - Coronavirus isolated from humans patent is available on the Internet for review: 007-06-28 "Assigned to THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION reassignment THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS REPRESENTED BY THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION ASSIGNMENT OF ASSIGNORS INTEREST.";
https://patents.google.com/patent/US7220852B1/en

96. It appears the C.D.C. stands to profit from its own "novel" suggestions. But C.D.C.'s self-serving guidances or recommendations are not binding on respondents; nor do they abrogate their local duties to the relator, other Tennesseans or to the state of Tennessee.

97. Because of the exclusive extra-territorial references in the respondent(s)' order consistent with "the whole world," but without invoking any federal jurisdiction relative to intent of this remedy under state law, implies there is some sort of international agreement prevailing against the sovereignty of the state of Tennessee.

98. The extra-jurisdictional authorities solely relied upon by the respondent(s)' emergency orders are without disclosure of an international agreement. But relator does find one international agreement possible though respondent(s)' orders are without reference to either a favorable federal government recommendation, or those fulfilling T.C.A. § 68-5-104, and violate the United States government's reservation under "Article 59(1)" of the IHR (2005), to "assume obligations" "consistent with its fundamental principles of federalism," that "these Regulations shall be implemented by the Federal

Government or the state governments, as appropriate and in accordance with our Constitution ***" and "To the extent that such obligations come under the legal jurisdiction of the state government, the Federal Government shall bring such obligations with a favorable recommendation to the notice of the appropriate state authorities" and is non-binding. Reservations and understanding; https://www.who.int/ihr/usa.pdf

99. Foreign recommendations, aspirations, guidances or suggestions, such as those given by the C.D.C. or the W.H.O., regardless of terminology, do not supplant sovereign power or condition local duties without violating the organic laws of the state of Tennessee, and the nation.

100. To the extent there may be a binding international agreement relative to the respondents' purported health emergency, foreign reference does not enjoy treaty status.

101. Any binding nature does not extend to any aspiration or recommendation, nor have there been any binding decisions; this includes the entirety of the IHR (2005), stated at Part 1, Article 3, Principles 3, "The implementation of these Regulations shall be guided by the goal of their universal application for the protection of all people of the world from the international spread of disease," or Part 1, Article 1, Definitions: "standing recommendation" means non-binding advice issued by WHO ***," "temporary recommendation" means non-binding advice issued by WHO."

102. Given respondents' orders contain no reliance on a local determination, such as compliance with T.C.A. § 68-5-104, et seq., but those consistent with IHR (2005), the relator challenges the constitutionality of the force and effect of the IHR (2005) to have any influence, oversight, or force and effect, tribute, etc., on the state of Tennessee whatsoever.

103. This global "live exercise" in "enhancing United Nations system leadership" explains one reason why the respondents did not determine by bona fide scientific finding of, or produce any record evidence for, an actual infectious agent. There is none to find. This is a simulation exercise providing no police power prerogative to the respondents.

104. The Global Preparedness Monitoring Report admits that this preparedness is to the fulfillment of Sustainable Development at Pg. 6: "These acts of preparedness are a global public good that must meaningfully engage communities, from the local to the international, in preparedness, detection, response and recovery. Investing in health emergency preparedness will improve health outcomes,

build community trust and reduce poverty, thereby also contributing to efforts to achieve the United Nations Sustainable Development Goals" consistent with the admission of the director general of the W.H.O., who exposed COVID-19 to enable climate change, i.e., sustainable development.

105. This COVID-19 exercise narrative is, if not in name, then function, exampled in an Office of European Union publication, a 2012 comic book called "Infected," which "story may be fictional, it is nevertheless intertwined with some factual information," introduces "One Health," predicting the current exercise, brought into implementation by the C.D.C., May 4-6, 2010.
Infected, 1-31-2012;
https://op.europa.eu/en/publication-detail/-/publication/4cc2ea93-d003-417e-9294-1103a6ee877d
W.H.O. "One Health": https://www.who.int/westernpacific/news/q-a-detail/one-health
C.D.C.: "One Health": https://www.cdc.gov/onehealth/index.html
C.D.C., "One Health" Basics, History, See 2010:
https://www.cdc.gov/onehealth/basics/history/index.html

106. "Enhancing United Nations Leadership" under color of health preparedness, risk management not pathogen suppression respecting T.C.A. § 68-5-104, for endless, so-called, "novel," invented, synthetically produced infectious agent, "emerging diseases," necessarily, or as aided and abetted by non-governmental organizations, is an economic and societal attack upon the county, the state and ultimately the nation and not allowed pursuant to T.C.A. § 68-5-104 and other provisions of organic law, such as the Tennessee constitution reserved to the state in all authorities.

107. Respondent(s)' failure to independently identify the infectious agent as required by T.C.A. § 68-5-104, allows any pathogen declared "novel," yet synthetically produced and artificially introduced by the same perpetrators as they have planned for years, if not decades, to emerge in violation of other laws, such as terrorism and undeclared warfare under color of health preparedness to destroy the Tennessee economy and the people's rich and prosperous life in society.

108. The relator was alarmed to find out through research the fact of this non-health related object which finally gained wider attention and public alarm recently where CNBC reported as follows:

109. "WHO Director-General Tedros Adhanom Ghebreyesus said during a news conference from the agency's Geneva headquarters, 'At the same time, we will not, we cannot go back to the way things were.'"

110. Throughout history, outbreaks and pandemics have changed economies and societies, he said.

111. "In particular, the Covid-19 pandemic has given new impetus to the need to accelerate efforts to respond to climate change," he said. "The Covid-19 pandemic has given us a glimpse of our world as it could be: cleaner skies and rivers.";
https://www.cnbc.com/2020/08/21/who-warns-a-coronavirus-vaccine-alone-will-not-end-pandemic.html

112. And a news anchor, Tucker Carlson also quotes the director of W.H.O. saying, "The COVID-19 pandemic has given new impetus to the need to accelerate efforts to respond to climate change."

113. In synthesizing this public alarm caused by the director-general's statements, Tucker Carlson goes on to say that both COVID-19 and climate change "are useful pretext for mass social control."

114. The relator restates the foregoing press coverage for the purpose of this remedy to mean COVID-19 is not a health crisis. COVID-19 pandemic is respondents' **concerted attack on the republican form of representative government under color of a health crisis.**

115. It is common knowledge the beginnings of such things as sustainable development, climate change and now COVID-19, through such mechanisms as consensus and adjunct policy, are the products and methods of what is known as the Green Religion, an extension of humanism.

116. The purported object of One Health is "to promote effective policy development related to human, animal, and environmental health." As stated, the relator, as any other Tennessean, is not animal, nor human, nor cared for by veterinarian, whether or not military, but a creature called man by the Creator. The Word of God does not respect human, or person. Animals are under the dominion of man.

117. Even if lawful, the sustainable One Health "collaboration" — its force and effect targeting human animals — is not intended to extend to man and cannot extend to man or interfere with him or his organic establishments and of which respondents' faithful adherence to T.C.A. § 68-5-104 would have cured to protect the state of Tennessee and its people, such as the relator.

118. Nevertheless, an actual epidemic brings the condition beyond preparedness the response to which falls not upon non-binding foreign aspiration or recommendation, but to local determination of an infectious agent of which vital protective purpose the Tennessee legislature intended through T.C.A. § 68-5-104, requiring a demonstrable exigency, not reflected in the respondents' orders, explained prior.

119. Appearing to rely exclusively upon foreign guidances, suggestions, aspirations and recommendations outside of the local jurisdiction, the respondent governor's orders abrogate the sovereignty of the state's exclusive prerogative power relating to public health, which is also undermined in such things as due process protections and the actual knowledge required pursuant to T.C.A. § 68-5-104.

120. As many astute commentators have observed, as this court should today, since the beginning of this national self-inflicted disaster and embarrassment all along, COVID-19 has never been about a health crisis.

121. While it claims no such power by separation of powers evasion, the judicial branch of this state, on its own motion, failed in its inherent power and duty to check that a co-equal branch of the government had followed the law, the conduct or omission of which created the disaster and irreparable harms to the state of Tennessee and its people, wrought by respondents under color of a pandemic without warrant.

122. The judicial branch has taken part in the panic and mass illegality. Chief Justice Jeff Bivens' July 9 "executive order" about face masks in governmental buildings that happen to contain courts creates an unprecedented and arbitrary power that is not judicial and not internally administrative to that branch, a power imposing an command on parties such as county commissions and clerks in a shared building who are not involved in any judicial case and whose offices are not within the judicial branch, further infringing political or other fundamental rights of the general public accessing their government instrumentalities.

123. The judicial branch failed to identify the dereliction of the executive branch to obey legislative enactments, such as the duty imposed by 68-5-104.

124. Because of these governmental trust breaches, nothing from any government official can be trusted.

125. The foreign subversive mitigation measures for "the virus" — for which "no quantified virus isolates of the 2019-nCoV are currently available" — are weapons used against the people, not health crisis related. See, Pg. 38, C.D.C. 2019-Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel, Limit of Detection, effective 3/30/2020, at the time of respondent Lee's originating order. And same title, Pg. 39, effective 07/13/2020.

126. Respondent governor's order acknowledges these subversive influences as the basis for his first COVID-19 executive order on March 12. **Exhibit 5, executive order No. 14, March 12, 2020, "an order suspending provisions of certain statutes and rules in order to facilitate the treatment and containment of COVID-19," 5 pp, incorporated here by this reference.**

127. T.C.A. § 68-5-104 is the due process check against such subversive usurpation, potentially an attack of a foreign government, upon American life aided and abetted by non-governmental entities with the professed intention of transforming our republican form of representative government under objective law and using government funds to do so under color of emergency and necessity.

128. Respondents' subversion of state law is a calculated element.

129. Given the societal destruction and undue influence allowed, this could be deemed criminal fraud supporting international terrorism, each of severe penalty, which the respondents aid and abet, if not commit, when not performing the duty imposed pursuant to 68-5-104.

130. The content of the governor's orders are consistent with a cover-up given they violate the public duties imposed by T.C.A. § 68-5-104 to produce evidence of receipt of report, investigation, or determination of a source of contagion in state of Tennessee or misrepresent these. Respondent Lee's orders lack a local communicable disease outbreak determination to support an epidemic.

131. Stated differently, every reference of the respondent(s)' orders outside of the territory of the state of Tennessee is irrelevant, immaterial, and impertinent to declaring a local, even statewide, health emergency, as T.C.A. § 68-5-104 is evidence. It doesn't matter that every other governor across the country did not fulfill his or her duty in declaring the same. Respondents are duty-bound to the law

of Tennessee. It does give the relator pause to consider how extensive this organized coup is, as it should this court.

132. Without fulfilling the statutory and constitutional obligations, given the unquestioned prerogative extended to the Executive, it can't be known this isn't a health crisis fraud perpetrated under color of science or medicine; the lack of bona fide evidence would indicate it is fraud and much worse.

133. An inexcusable deleterious fruit of refusal to obey T.C.A. § 68-5-104 is this: If there is an actual health crisis, respondents' fraudulent reliance on misleading foreign presumption prevents the people from acquiring knowledge of the real contagion and how they might protect themselves.

134. So intent is Barnes on keeping up the health crisis show she has made few, if any, statements about alternative remedies that members of the public might use to avoid the flulike symptoms of COVID-19, such as vitamins, zinc and healthy living, or that they should pursue healthy living, eating and drinking.

135. But there is no expectation for such common-sense recommendations where there is no actual cause for the disease and a sustainable outcome-based simulation exercise running intending to force unwarranted mitigation measures, instead of such non-invasive healthful things known to the respondent(s) such as championing proper nutrition and supplements.

136. What is not facially apparent is the deceit used to create the public record under the cover of yet another unproven presumption: That the proper science has been properly applied and of which relator reserves the right to challenge if this matter goes further than summary disposition in favor of the state of Tennessee.

137. With the reminder that cases are investigations and not a determined "Incidence," stated at rule Chapter 1200-14-01, in particular, where no bona fide test for an infectious agent has been identified, let alone to mean "Infected persons," or a "Carrier," the respondent's fraudulent scheme and artifice 'pandemic' is driven by numbers of misrepresented "Cases."

138. Respondents' fraud requires ever-increasing numbers of cases to maintain the "pandemic." Another way to accomplish the appearance of plausible numbers is by use of the Polymerase Chain Reaction, or PCR, test.

139. So that these crucial points are not lost, reminding the court, contrary to official assurances, the PCR test, or any variant, is unsuitable for detecting an infectious agent. The PCR test, or of any variant, is not intended for diagnostic purposes; results relative to the duties pursuant to Tennessee law are meaningless.

140. This COVID-19 fraud or economic and societal attack would have been caught and stopped had the respondents obeyed the Tennessee law and honestly identified that, at least by current technology, the theorized or presumed infectious agent cannot be identified within the jurisdiction or likely because of 'the highest flu infection rate in a decade' didn't exist at all, notwithstanding the vehement, subversive misleading protest of the "appropriate medical experts" and other complicit officials to the contrary.

141. Relator demands that the court take judicial notice of the fact of public knowledge that the PCR test relied upon by respondents and the foreign "appropriate medical experts" referred to in respondent(s)' emergency orders do not and cannot identify any particular infectious agent, or mode of transmission, nor any immunity of any one generally;

142. The PCR tool is merely a research tool technique not intended to be used clinically.

143. The PCR tool is outcome-based and without a universal standard for amplification and not objectively reliable.

144. The PCR technique merely — and in the clinical laboratory setting, *arbitrarily* — determines that antibodies or antigens are present by some indeterminate cause, and not the load or amount. The C.D.C. admits, during the entire time relevant to this petition, that there is no test for the presumed infectious agent and the FDA approved, Real-Time RT-PCR Diagnostic Panel, admits, "Results are for identification of 2019-nCoV RNA," Pg. 2, but that, "Detection of viral RNA may not indicate the presence of infectious virus or that 2019-nCoV is causative agent for clinical symptoms," or "This test cannot rule out diseases caused by other bacterial or viral pathogens.", Pg. 38. https://www.fda.gov/media/134922/download

145. The PCR tool is susceptible to positive results, including the so-called asymptomatic threat, widening the net of the victims, creating the appearance of legitimacy fueling a "pandemic." The PCR tool is used to create fear and promote the idea a pandemic exists.

146. Underlying comorbidities, whether known or unknown, can throw a PCR test positive.

147. Despite its concurrent health crisis hysteria to the contrary, false or pseudo-outbreak due to false PCR results are known to the C.D.C. and prior to the flulike symptoms common cold "pandemic" of 2020, called COVID-19.

148. Considered an "appropriate medical expert", C.D.C., contrary to other concurrent health crisis hysteria it promotes, admits PCR test results are unreliable. It published notice that 94 percent of the number of COVID-19 deaths reported actually died from things other than flu-like symptoms, i.e., COVID-19, also known as the common cold. Those who died did so from comorbidities such as obesity, diabetes and influenza. https://fox8.com/news/coronavirus/new-cdc-report-shows-94-of-covid-19-deaths-in-us-had-underlying-medical-conditions/ at Table 3 Comorbidities: https://www.cdc.gov/nchs/nvss/vsrr/covid_weekly/index.htm

149. Given COVID-19 is not a infectious agent but is merely a generalized set of flulike symptoms, the remaining 6 percent of deaths in C.D.C. data attributed to the disease in question cannot be attributed to SARS-CoV2 or COVID-19, and C.D.C.'s representation of the remaining deaths — under 10,000 people — caused by COVID-19 and not a bona fide infectious agent is fraudulent.

150. During the worst seasonal flu season in a decade, without a scientific test available to the contrary but with the known comorbidity, those 6 percent of deaths could have as easily been attributed to complications of common influenza, if seasonal flu was promoted as incessantly as the COVID-19 live exercise.

151. Respondent Barnes, in an interview reported by Times Free Press stated in 2017 that, "the department played a big role in Step One, the county's program to address obesity and related diseases. That involves looking at root causes, which are often poor nutrition and lack of exercise, Barnes says," showing she understood the real causes of the health issues in the county, long before

wrongfully attributing these diseases to COVID-19, consistent with the recent C.D.C. comorbidity admission and which a proper investigation pursuant to T.C.A. § 68-5-14 would have disclosed; https://www.timesfreepress.com/news/edge/story/2017/sep/01/champions-health-care-becky-barnes/445982/

152. The respondents know, and a proper investigation under T.C.A. § 68-5-104 would show, that the more practicable mitigation measure and proper use of the treasury to stop the promoted "COVID-19" symptoms in Hamilton County, more than disabling the economy and locking down or infringing the fundamental liberties of all Tennesseans, would appear to be championing proper nutrition.

153. Instead, without conceding respondents have any right to enforce any mitigation measures until showing compliance with the duties imposed by T.C.A. § 68-5-104, and to focus the attention on the failure to identify the infectious agent allows respondents to impose absurd, even deadly unauthorized social controls, such as submission, or threatening relator's life requiring any mask be worn contrary to at least one N95 mask manufacturer's warnings that, "Misuse may result in sickness or death," or that "this respirator helps protect against certain particulate contaminants but does not eliminate exposure to or the risk of contracting any disease or infection," and other mortal warnings. Had respondents been diligent in their duty under the law, they couldn't have offered masks to the general public, even where a viral antagonist were found because it would have been misleading and would not stop the communicable agent nor be within the lawful constraint for least restrictive alternatives;
https://multimedia.3m.com/mws/media/1425065O/tech-spec-3m-healthcare-Particulate-respirator-and-surgical-mask-1860-n95.pdf

154. Remembering that COVID-19 is symptoms, coughs and sneezes and that there is no test for SARS-CoV-2 or an infectious agent, a Fox Business Live report, Mornings with Maria, Sept. 24, 2020, indicates a near universal premeditated predilection for governmental response prior to identification of an infectious agent. The story, "Sec Azar: President Trump's Operation Warp Speed 'Has Changed The Game Of Drug Development,'" tells about federal Operation Warp Speed, with secretary Alex Michael Azar elsewhere described as "an American politician, attorney, former pharmaceutical lobbyist, pharmaceutical executive, and current Presidential cabinet member," stating: "All six of the vaccines we're working with are in industrial scale manufacturing now. We

literally have millions of doses of vaccines already.";
https://www.youtube.com/watch?v=EUc3TiU0Yks

155. Having vaccines available prior to determining the infectious agent is not different than ordering masks to be worn where face-coverings don't work and can cause death or injury, as respondent(s) have conceived and ordered. Their actions are in the same wrongful pattern of activity as that described by Secretary Azar, denoting repeating premeditated exploitation, not a health crisis, nor to the good of the people of Tennessee.

156. Together with an endless source of emerging genetically modified novel contagions, this premeditated pharmaceutical slavery for unjust profits brings expanded, more ominous meaning to another statement in the interview made by the health and human services secretary and lobbyist, Mr. Azar. The contrived COVID-19 condition "has changed the game of vaccine development." Absent this mandamus and other appropriate measures by this court, the exploitation contagion, together with the rule abrogation of the State sovereign power in health and in matters of welfare, there is no intention for the game-playing respondents, executing the C.D.C. "COVID-19 Vaccination Program Interim Playbook for Jurisdiction Operations," to ever demonstrate a bona fide exigency as required in T.C.A. § 68-5-104, to protect the people of Tennessee from concerted organized biological or chemical attack of any origin. And there is no reason to declare an exigent circumstance if this is a modeled reality game show, instead of a health crisis, especially when doing so would expose an inconvenient truth;
https://www.cdc.gov/vaccines/imz-managers/downloads/COVID-19-Vaccination-Program-Interim_Playbook.pdf

157. Taking the oath of office creates an obligation and duty to act against "all enemies foreign, and domestic." More like racketeers gaming the system, respondents have mocked their oaths and the laws of Tennessee for unjust political or ideological profit.

158. False outbreaks are not unknown to and cannot give safe harbor or confound Tennessee health authorities; It has been reported by Foxnews and Reuters Jan. 18, 2012, "CDC finds 'pseudo-outbreak' of whooping cough" that "Pertussis pseudo-outbreaks have been reported a few times before, for instance, in New Hampshire, Massachusetts and Tennessee between 2004 and 2006.";
https://www.foxnews.com/health/cdc-finds-pseudo-outbreak-of-whooping-cough

159. It cannot be said the respondents did not know of the inadequacy of the PCR test because of a prior highly contagious bacterial disease called whooping cough pseudo-epidemic, about 2006, which was caused by reliance of the P.C.R. test. About 100 different PCR protocols and methods were being used throughout the country at the time. It is unclear how often any of them were accurate. Despite the chronic PCR positive failures, medical experts were convinced of a pertussis epidemic. The symptoms went on for about eight months but ultimately there was no pertussis epidemic, leaving the "medical experts" surprised. As reported by The New York Times, Jan. 22, 2007, "[T]he story of the epidemic that wasn't," "Dr. Trish M. Perl, an epidemiologist at Johns Hopkins and past president of the Society of Health Care Epidemiologists of America *** said, pseudo-epidemics happen all the time. The Dartmouth case may have been one the largest, but it was by no means an exception, she said." "Dr. [Cathy A.] Petti said, 'No single test result is absolute and that is even more important with a test result based on P.C.R.'" It was concluded that rather than pertussis "[i]nstead, it appears the health care workers probably were afflicted with ordinary respiratory diseases like the common cold." "It's a problem; we know it's a problem," Dr. Perl said. "My guess is that what happened at Dartmouth is going to become more common."; https://www.nytimes.com/2007/01/22/health/22whoop.html

160. The respondents knew or should have known relying on reliance of the PCR or anything short of a bona fide investigation and identification of the infectious agent or contagion would create irreparable harm.

161. Johns Hopkins University, referenced above in the September 2019, GPMB report, knew about the dangers or effects of promoting or modeling a fraudulent pseudo-pandemic which respondents willfully and blindly accepted through reliance on "medical experts" outside of their jurisdiction, despite prior knowledge of unreliability.

162. The respondents' exclusive reliance on the undue influence of "medical experts," rule 1200-14-01-.15 (1)(e), contributes to this disaster and needs to be corrected. The reliance taken by respondents from the "appropriate medical experts" products or recommendations are abused to the exclusion of fulfilling the duties and obligations pursuant to T.C.A. § 68-5-104 causing irreparable harm.

163. Respondents' reliance on any rule imposing the imperative "shall" to the force and effect of recommendations or other foreign extraterritorial epidemic subject matter suggestions wrongfully abrogates T.C.A. § 68-5-104, the state legislature's **due process protections** and that of requiring the identification of the demonstrable exigency sufficient to lawfully invoke police power, or a breach of the principle separation of powers.

164. A rule purporting to displace state-reserved powers with a foreign aspiration or recommendation violates, not limited to, the organic constitutional establishment, Federal-State relationship, or commits federal preemption usurping a primary obligation and duty enacted by the legislature, under its exclusive power, to protect the people of Tennessee through local investigation and determination of the infectious agent or contagion during a health crisis.

165. Given the biological or chemical attack footing the emergency official acts have insisted upon, the respondents knew or should have known that pseudo-epidemics could be used as a cover to cause economic or societal irreparable damage, imposing the highest duty to fulfill T.C.A. § 68-5-104 to protect the state and the people, which the respondents, or either of them, failed to do.

166. In executive and other orders, respondent(s) use the internationally W.H.O.-referenced term, "pandemic." But the respondents' authority is constrained to conditions "epidemic" or lesser within their jurisdiction.

167. The term "pandemic" used internationally is an arbitrary private standard, notwithstanding the phases developed by the W.H.O. for its international purposes which relate to containment of an outbreak, or mitigation when containment fails. A declaration of pandemic merely gives notice to interested nations to move from containment of the identified outbreak in their respective international regions affected to that of mitigation measures.

168. A declaration of pandemic, even if W.H.O. had issued one, is not binding nor can it displace or absolve local duties such as imposed upon the respondents by T.C.A. § 68-5-104.

169. Epidemic is defined lococentrically in Tennessee department rules, chapter 1200-14-01, as follows: "Epidemic (or Disease Outbreak) - The occurrence **in a community or region** of one or more cases of illness that is in excess of normal expectancy." (emphasis added) https://publications.tnsosfiles.com/rules/1200/1200-14/1200-14-01.20160621.pdf

170. Respondents have not declared an epidemic, referring to an lawful outbreak in a jurisdiction in the state, such as Hamilton County.

171. The relator knows of no one experiencing the symptoms, notwithstanding the unsupported claim of the respondent for an outbreak, let alone an epidemic or "pandemic."

172. The respondent(s) did not, in the response of Dr. Hendricks, produce any evidence of an outbreak.

173. Contrary to the duty imposed by T.C.A. § 68-5-104, there is no evidence "cases" reported to the public have been investigated. Definition: "Case – An instance of an individual or group of individuals who have contracted a reportable disease, health disorder or condition under investigation by CEDS [Communicable and environmental Diseases Services]." Resorting solely to results from any PCR test is not an investigation that can be called a case under state law.

174. It appears the respondents' scheme and artifice, relying on foreign suggestion or guidance to use tests unsuitable for detecting an infectious agent, never intended to begin or complete any investigation pursuant to and required by T.C.A. § 68-5-104 and there is no evidence to suggest a lawful intention.

175. Reliance on foreign purported authorities does not displace or absolve the local duty that T.C.A. § 68-5-104 mandates, the determination of an actual crisis and source or contagion. They are mere rumor of foreign unproven merit, and respondent(s)' obedience to and undue influence of rumor and reliance on it has irreparably harmed the people in a way greater than any since the founding of state of Tennessee on June 1, 1796.

176. The COVID-19 crisis arises from respondent Lee's cry, as it were, of "The sky is falling — the sky is falling." T.C.A. § 68-5-104 requires respondent Barnes and other officials to step outside and check. That checking must be done before issuing orders for every one of the people in Hamilton County and in Tennessee to carry an ACME "sky is falling" umbrella or halt commerce and travel, etc., as pretended mitigation.

177. Because of the failure to comport with T.C.A. § 68-5-14, notwithstanding the missed prejudicial nature of the definition, the respondents have no way of knowing and are unable to determine one's commonly understood "susceptibility," or immunity, or potential danger. Consistent with this failure, and contrary to the limited scope to the sick or reasonable potentially so, respondents failed to evidence any method they've relied on to lock down any one man, woman or child, let alone the entire population.

178. The misuse of the inappropriate, even fraudulent, PCR test has, will, and does bring non-contagious people susceptible to unwarranted health powers and fear-driven oppression.

179. Being a Christian man, I recognize the biblical principle of mitigating things of public health concern, such as quarantining and isolating the sick, as did the children of Israel complying with Leviticus 13. This power is reflected in the Tennessee legislature's determination codified at T.C.A. § 68-5-104, which the respondents willfully and knowingly disregard antithetical to their lawful, if not moral, duties in pursuing unconstitutional enforcement of the Green Religion, in violation of relators's God-given, or fundamental, rights.

180. Once T.C.A. § 68-5-104 is fulfilled, the respondents' power to quarantine is at Tenn. Code Ann. § 68-1-201. This legislative delegation gives respondent Lee power to "declare quarantine" when the "welfare of the public requires it." The delegated health authority is empowered to write rules "for the prevention of the introduction of yellow fever, cholera and other epidemic diseases into the state." Whether yellow fever, cholera, smallpox, influenza or other epidemic diseases, "the commissioner shall prepare and carry into effect rules and regulations that, in the commissioner's judgment, will, with the least inconvenience to commerce and travel, prevent the spread of the disease." Without a bona fide determination of an infectious agent for COVID-19, a demonstrated exigency, there exists no communicable disease to enable this power.

181. Despite the duty to demonstrate a bona fide exigency, respondent Lee wrongfully interfered with the state economy April 2, 2020, citing this authority: "(2) Pursuant to the authority vested in the governor under subdivision (a) (1), the governor may issue executive orders, proclamations, and rules and may amend or rescind them. Such executive orders, proclamations, and rules have the force and effect of law." Tenn. Code Ann. § 58-2-107.

182. Currently, respondents' acts, orders and decrees under Tenn. Code Ann. § 58-2-107 have the force and effect of law, giving respondent Lee "direct operational control" in exercising "emergency management functions *** within this state," having the capability, and do act wrongfully, such as by extortionate or coercive threat of pains and punishments, against relator and those similarly situated.

183. The respondents play the fence. They spread confusion and fear in the public on the one hand claiming to only urge compliance and on the other hand bring the hammer down on people or businesses for non-compliance. They do both without the delegation of power extended to them through complete compliance with T.C.A. § 68-5-104.

184. Even were the respondents to identify the exigent circumstance supporting their claim to power, emergency law requires executive action to protect against collateral damage, injury, or harm within state operations in time of crisis and to enhance the service of government to protect the people and their property. In the emergency law, respondent(s) are required to reduce dangers, "all of which —

a. ➢ "threaten the life, health, and safety of [the state's] people
b. ➢ "damage and destroy property;
c. ➢ "disrupt services and everyday business and recreational activities; and
d. ➢ "impede economic growth and development." Tenn. Code Ann. § 58-2-102

185. This "vulnerability is exacerbated by the growth in the state's population, in the elderly population, in the number of seasonal vacationers, and in the number of persons with special needs" Tenn. Code Ann. § 58-2-102.

186. Despite a failure to identify the infectious agent, and a myopic endless regurgitation of the numbers of unsupportable cases, respondents are willfully and negligently failing to account for the irreparable harms they are inflicting upon the people of Tennessee contrary to emergency power or constitutional protections.

187. The respondents cause this disaster where, if for the moment considering the live exercise were an actual "novel" epidemic, the cases numbers are, nevertheless, insignificant against common disease, or even such things as medical "error."

188. The respondents are without lawful warrant under color of lawful authority bankrupting businesses, interfering with mortgage payments, forcing people to fall behind in their rents, increasing domestic financial pressure, halting schooling, prompting marital stress, breakdown, and domestic violence, increasing homelessness and suicide, to name a few, which the law forbids; even if it could be shown the respondents have the authority they purport.

189. Respondents' actions under cover of an emergency have violated several laws in a chargeable, indictable and criminal manner. For instance, if this were a federal case, these acts could be deemed criminal fraud supporting international terrorism, each of severe penalty, which the respondents aid and abetted when they did not perform the duty imposed pursuant to T.C.A. 68-5-104.

190. Taking away for the moment all wrongdoing of respondents whether in concert or as individual act or omission, even if step-wise decisions may appear appropriate, the cumulative effect is prohibited even in administrative authority, and to be completely avoided if operated under good morals or valid law.

191. The respondents' acts of commission and omissions hereinof complained are inexcusable.

192. Respondents have refused their duty and their acts abrogate what relator understands to be unenumerated God-given, unalienable and inherent rights of relator and the people, as well as those secured in state of Tennessee constitution, article 11, section 16, guaranteeing the following:

> The declaration of rights hereto prefixed is declared to be a part of the Constitution of the state, and shall never be violated **on any pretense whatever.** And to guard against transgression of the high powers we have delegated, we declare that **everything** in the bill of rights contained, is **excepted out of** the general powers of the government, and shall **forever remain inviolate.** (emphasis added)

193. It is not to the public good or welfare to destroy the people for whom government is established as servant, and to do so under color of unjust health authority. Judiciaries have given relatively unbridled discretion, or deference in purported police power matters under the excuse the Executive has the more proper expertise at its disposal to decide and act. The fraud committed by the respondents is not an expertise to be relied on, nor does the law allow it.

194. The relator reserves the right to challenge claims about the mitigation measures respondent(s) are using if either are allowed to prevail against this challenge to their jurisdiction or authority to act at all, such as that these measures are arbitrary and capricious, irrational, or unjustified, even deadly, or to date indefinite, and by the duty to stop the spread, invalid.

195. All reasonable presumptions should be indulged in favor of the validity of the action of the legislature and the duly constituted health authorities. While it is acknowledged that rules and regulations to protect the public health will not be disturbed by the courts, respondents' violating the legislature's appropriate methods, such as T.C.A. 68-5-104, are not so police-power privileged that this court can allow them to remain undisturbed while they, without lawful warrant, irreparably harm Tennesseans under the color of protecting their health.

196. These officials are not to use the color of their offices for private gain, such as advancing a private agenda, or aiding or abetting an enemy, or even pretending to save the state under color of a health crisis.

197. The respondents, or each of them, act in flagrant disregard of the law, their fiduciary, the trust of the people, and to their oath of office.

198. Ultimately, no matter what the excuses of respondent(s) are, they are not to cause the disaster being suffered by the people of Tennessee or the state of Tennessee.

Demand for remedy

199. This petition gives evidence that respondents, or each, wrongfully injured the state of Tennessee in dereliction of their duty to the laws of Tennessee, assuming and using unwarranted police power against the relator and fellow Tennesseans causing irreparable harm.

200. It is long acknowledged that the state can use police power among the people "so long as the Constitution of the United States is not contravened, or any right granted or secured thereby is not infringed, or not exercised in such an arbitrary and oppressive manner as to justify the interference of the courts to prevent wrong and oppression."

201. The Constitution and laws of the state of Tennessee, such as T.C.A. § 68-5-104, have been and are being contravened, and rights granted or secured thereby are being infringed, unwarranted power exercised in an arbitrary and oppressive manner by the respondents such "as to justify the interference of" this honorable court to prevent wrong and oppression.

202. The relator via this petition and verified complaint demands the court —

203. ➢ Find that respondents are acting outside the scope of their lawful authority under statute and the Tennessee constitution, causing irreparable harms to relator, fellow Tennesseans and the state of Tennessee;

204. ➢ Set aside or quash, or as appropriate, any and all orders and or decrees imposed upon the people and businesses in Hamilton County and statewide relative to any COVID-19 or related subject matter;

205. ➢ Direct respondents, or their Office, to faithfully follow the law or face contempt asserted by either the court sua sponte or on relation of the relator, where derelict of law;

206. ➢ Require respondents to keep accurate records. The intent of this directive is to eliminate fraudulent records fraudulently used to create a color of authority which cannot exist as a matter of law and which immediately and irreparably infringes the rights and injures property and peaceful settlement of the relator, fellow Tennesseans and the state of Tennessee.

207. ➢ By ***rectification, reformation, or whatever this equity court may find just***, ensure the Rules reflect the legislative intent, purpose, function, etc., of T.C.A. § 68-5-104, consistent with the Tennessee constitution which the respondent(s) fraudulently, or through other wrong, breach without such correction.

> A. For instance, the rule 1200-14-1-.15 (3), allowing "appropriate medical experts" is overly-broad where such purported expertise and "other current recommendations" "shall be considered appropriate control measures" are to the exclusion of the local duty delegated to them at T.C.A. § 68-5-104, to determine the infectious agent within a definite local territory, and a violation to the U.S. reservation to the IHR (2005) for State of Tennessee preemption, which respondents

used as cover to commit their disaster;

B. Additionally, because "competent medical expert" or stated at rule 1200-14-01-.15 (1)(e) is "considered appropriate," but is not adequate protection, adding to the end of the part "…and other measures considered appropriate by medical experts for the protection of the public's health" a clause, such as *"provided no report or recommendation is binding that it displaces the duty, intent, and purpose of T.C.A. § 68-5-104, to determine the infectious agent or source of contagion"* or as may be added to any other provision of law or rule to ensure compliance;

C. Correct, as well, the term "susceptible" to eliminate the respondents' acting in ignorance or by confusing a mere disease to be the extent of the intent and purpose of T.C.A. § 68-5-104, evading their duty to determine the infectious agent, violating due process and the presumption of innocence, or to wrongly infringe the rights of noncontagious people;

D. These textual amendments to the rules, or any others which may be found by the court now or in the future, or on continuing relation, are proposed to ensure immediate objective local compliance to T.C.A. § 68-5-104, not evidenced by respondents;

208. ➢ Maintain oversight that this sort of government-caused pseudo-crisis and disaster be prevented more quickly and efficiently to the relator or fellow Tennesseans, or within the inherent power of the Judicial branch to check the excesses of a co-equal branch;

209. ➢ Order equitable compensation, to the extent available to chancery, to persuade and impress the conscience of each respondent from repeating wrongs cited in this complaint, sending a message to others so inclined;

210. ➢ Make other redress within the power of this court to the ends justice requires, not limited to, further compensation, reimbursement, indemnification or reparation for benefits derived from, or for loss or injury caused to the relator, fellow Tennesseans or the state of Tennessee.

211. Relator demands appropriate costs, fees or expenses etc. of this action be levied from respondents.

212. I do, hereby, declare to the above statement to be true and correct to the best of my firsthand knowledge.

David Jonathan Tulis

Respectfully submitted, state of Tennessee, ex rel. David Jonathan Tulis

STATE OF TENNESSEE, COUNTY OF Hamilton — I, the undersigned notary public, do hereby affirm that David Jonathan Tulis personally appeared before me on the 2nd day of October 2020, and signed this petition in equity and for writ of mandamus, as his free and voluntary act and deed.

Christine Essex

CHRISTINE A. ESSEX
STATE OF TENNESSEE NOTARY PUBLIC
HAMILTON COUNTY
MY COMMISSION EXPIRES 11-7-2021

CERTIFICATE OF SERVICE

This lawsuit is being served on two parties:
I hereby certify that this verified complaint and petition in equity and for writ of mandamus was served this 2nd day of October 2020 by summons delivered to Hamilton County chancery court and fee paid for the Davidson County Sheriff's Department, or private process server or the secretary of state to deliver summons and lawsuit to:

Gov. Bill Lee
State Capitol, 1st Floor
600 Dr. Martin L. King, Jr. Blvd.
Nashville, TN 37243

David Jonathan Tulis
David J. Tulis

I hereby certify that this verified complaint and petition in equity and for writ of mandamus was served this 2nd day of October 2020 by personal delivery or hired process server to:

Rebekah Barnes, Administrator
Chattanooga-Hamilton County Health Department
921 E. 3rd St.
Chattanooga, TN 37403

David Jonathan Tulis
David J. Tulis