

1 and alleviating pain and suffering, and to “never intentionally do or administer anything to the
2 overall harm of [her] patients.” The state of California required this oath from her prior to granting
3 her the privilege of practicing as a physician.

4 2. Dr. Gold has done her utmost to honor her oath. But in 2020, the California Medical
5 Board (alternatively, “CMB”) abused its authority and demanded physicians comply with a fatally
6 flawed Covid-19 policy without consideration of whether it required physicians to violate their
7 Hippocratic oath. If they were faithful to their oath in providing medical care to their patients, their
8 license to practice medicine in this state was threatened. So too was their opportunity to remain on
9 staff at a hospital.

10
11 3. In early 2020, Dr. Gold was a highly regarded emergency room physician with a
12 pristine record of service. She was one of the legions of California physicians facing a CMB-
13 manufactured Hobson’s choice: Either stop talking with their patients about life-saving, FDA
14 approved, safe and effective medications—which would save thousands of lives in the treatment of
15 Covid-19—or, like Dr. Gold, end up ‘cancelled’ from continuing to practice in the profession they
16 loved.

17
18 4. Dr. Gold refused to violate her Hippocratic oath, but rather, insisted upon providing
19 life-saving information to as many people as she could. She was terminated from her job and
20 became the subject of numerous “investigations” by the Medical Board of California. For the
21 California physicians who understood the harm inflicted by the required Covid-19 treatment
22 protocols, the message was clear: the CMB would relentlessly police the conduct of practitioners
23 who refused to comply with the freshly minted (and often harmful) Covid-19 treatment regime.

24
25 5. There was a concerted attempt to revoke Dr. Gold’s medical license and officially
26 destroy her credibility in the medical field in order to pre-emptively defuse her criticism of the
27 CMB’s role in the disastrous public policy response to Covid-19. Out of these “investigations”
28

1 referenced above, four were closed, and one remained open, ostensibly upon the demands of the
2 President of the California Medical Board, Kristina Lawson (“Lawson”). In her position as CMB
3 President, Lawson has expressed in vivid detail the extent to which she hoped to punish Dr. Gold.
4 This animus was Lawson’s reaction to Dr. Gold’s tireless efforts educating the public about early
5 intervention using life-saving drugs to combat Covid-19. The medical truths publicly advocated by
6 Dr. Gold wholly rejected the official California public health policy being enforced by the CMB.
7

8 6. In this context, Dr. Gold posted on social media that Lawson had abused her position
9 by attacking licenses of physicians if they did not comply with Lawson’s coercive demands to
10 accept the unproven Covid-19 treatment protocols. These CMB endorsed drugs—some of which
11 were untested in a rush to bring them to the market—were as dangerous to California’s citizens as
12 they were lucrative to the pharmaceutical industry.
13

14 7. Because of the Lawson-led CMB’s complicity in the preventable harm and injury to
15 thousands of California’s families, Dr. Gold further called for Lawson’s immediate resignation on a
16 public social media platform. These public positions triggered the full bureaucratic wrath of the
17 CMB in the lead up to the spate of its “investigations” of Dr. Gold which, tellingly, were not based
18 on a single patient complaint.
19

20 8. For most citizens, the loss of their hard-won careers means a loss of the ability to
21 support themselves and their families, as well as a loss of their position and influence in American
22 society. And so, to prevent respected professionals such as Dr. Gold from expressing views which
23 contradict or expose reckless government approved public health policy narratives, various
24 government arms have increasingly argued it is acceptable to impose unconstitutional mandates and
25 requirements on licensees as a means to censor competing perspectives regardless of substantial
26 underlying medical support for them.
27
28

1 9. It is the alleged violation of such unconstitutional obstacles which then provides
2 bureaucracies with a pretext to punish protected speech and extinguish rights and privileges most
3 Americans hold sacrosanct. A collateral benefit administrative agencies such as the CMB derive
4 from threatening a noncompliant licensee like Dr. Gold, is the inevitable self-censoring from other
5 members of the regulated group who will not risk losing their livelihood in a fight with an
6 unscrupulous (but powerful) state agency.
7

8 10. Generally, the Federal Government cannot, and therefore does not, act directly
9 against the rights of its citizens because of protections in the Constitution, Bill of Rights and State
10 restrictions on government interference with the same. Instead, lesser governmental units, agencies,
11 committees, boards and similarly situated entities proceed against citizens who are attempting to
12 exercise their right to free speech. These pockets of bureaucratic power use the essentially
13 unlimited resources of the whole of government apparatus to enforce compliance with the personal
14 views of those who control the decentralized levers of power. The chilling effect and financial
15 disaster which results from the intrusion of the foregoing institutions into the lives of ordinary (e.g.,
16 non-political, or not financially "connected" individuals) is incalculable, but widespread.
17

18 11. The instant case is the embodiment of government overreach. The Plaintiff, an
19 emergency room physician with a sterling and unblemished professional reputation, had worked for
20 more than 20 years in typically underserved communities as an emergency room doctor. Dr. Gold
21 applied for and obtained a permit authorizing her to speak on January 6, 2021 ("January 6th") at the
22 U.S. Capitol Building ("Capitol Building").
23

24 12. Upon arriving at the designated and permitted location, the U.S. Capitol Police
25 advised Dr. Gold that her speech could not be given at the prescribed location but instead permitted
26 her to go to the top of the Steps at the Capitol Building. The Plaintiff ultimately followed a group of
27 people into the East side of the Capitol Building through open doors. She broke no doors or
28

1 windows, she assaulted no one, she did not throw any object or otherwise endanger any person.
2 Plaintiff did deliver an approximate four-minute speech to a few hundred observers in the public
3 area of the Capitol Building and then promptly left the building when requested to do so.

4 13. Despite the peaceful nature of Plaintiff's presence on January 6th at the U.S. Capitol,
5 Plaintiff pled guilty to a misdemeanor trespass, avoiding what would have been years long litigation
6 and an untold expenditure of funds. Of cardinal importance in this case is the circumstance that Dr.
7 Gold's entering the Capitol Building did not result in a conviction of a misdemeanor conviction
8 substantially related to the qualifications, functions or duties of a physician and surgeon. Instead,
9 the Plaintiff spoke as a citizen regarding her opinion of the actions being taken by various arms of
10 the government in connection with the Covid-19 lockdowns, nothing more.

11
12 14. At present, Dr. Gold is set for hearing before the California Medical Board under
13 Accusation #800-2021-074424 on November 13, 2023, in connection with the speech she gave in
14 the Capitol Building on January 6, 2021. By way of this Action, Gold seeks declaratory relief,
15 injunctive relief against the November 13, 2023, CMB hearing proceeding prior to final judgment in
16 the instant proceeding, and monetary damages as set forth in detail below. The CMB improperly
17 targeted Dr. Gold, far exceeding their regulatory authority.

18
19 **JURISDICTION**

20
21 15. This Court has federal question jurisdiction under 28 U.S.C. §1331 and § 42 U.S.C.
22 section 1983, because the federal law claims arise under the Constitution and statutes of the United
23 States.

24 16. Venue is proper in this District under 28 U.S.C. section 1391(b)(1) and (2) because
25 Plaintiff Simone M. Gold, M.D. has purposefully availed herself to jurisdiction in this District, and
26 Defendants are sued in their official capacities and therefore their residences for the purpose of
27 determining venue are within this district, where they perform their official duties.
28

1 17. This Court may issue a declaratory judgment and grant injunctive relief pursuant to
2 28 U.S.C. 2201-2202.

3 **PARTIES**

4 18. Plaintiff Simone M. Gold, M.D. was, at all relevant times herein, a resident of
5 California and is currently licensed as a physician and surgeon by the California Medical Board
6 (hereinafter “Board” with Physician’s and Surgeon’s Certificate No. G70224.)
7

8 19. Defendant Kristina Lawson was and is the President of the California Medical Board
9 at all relevant times herein. She is not a medical doctor. She is an attorney currently practicing at
10 Hanson Bridgett in San Francisco and Walnut Creek California. She is sued in her official capacity,
11 and her official address is: 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815.

12 20. Defendant Medical Board of California is and was located at 2005 Evergreen Street,
13 Suite 1200, Sacramento, CA 95815 at all relevant times herein.
14

15 **STATEMENT OF FACTS**

16 21. Plaintiff, SIMONE M. GOLD, M.D., was an emergency room physician employed at
17 Adventist Hospital in Bakersfield, California, in early 2020 when the Covid-19 pandemic first
18 surfaced in the United States. No “vaccine” against Covid-19 had been invented at that time. As an
19 ER physician, her job was to assess and treat patients on an emergency basis, including patients
20 with Covid-19. Given that there was no known treatment for Covid-19 when it was first detected in
21 California, Dr. Gold treated her patients utilizing both her experience as a physician, as well as the
22 medical knowledge gained from her research and observing how Covid-19 affected patients.¹ In
23 approximately March of 2020, Dr. Gold began treating patients admitted to the Adventist Hospital’s
24
25

26 _____
27 ¹ According to FDA official pronouncements, the treatment protocol Dr. Gold advocated was both
28 safe and efficacious without the dangerous side effects of the vaccines rushed onto the market to
financially capitalize on the Covid-19 pandemic

1 Emergency Room with a drug fully approved decades earlier by the FDA known as
2 Hydroxychloroquine (“HCQ”). As a well-educated and experienced physician, Gold knew that
3 since HCQ was first approved by the FDA sixty-five years ago, it had established an excellent
4 safety profile.

5
6 **A. USE OF HYDROXYCHLOROQUINE TO EFFECTIVELY TREAT COVID-19**

7 22. In fact, approximately 500 million HCQ dosages are prescribed annually in the
8 United States for daily use treating diseases such as lupus and rheumatoid arthritis. HCQ is
9 documented in the federal government database FAERS as one of the safest medications available.
10 Further, HCQ is globally one of the most commonly used medications and for decades has appeared
11 on the WHO’s List of Essential Medicines for all nations.

12 23. Dr. Gold, as a conscientious physician, was well-read on the worldwide and
13 American studies discussing the early treatment of Covid-19. In addition, based upon her years of
14 professional education and experience, Gold had determined trying HCQ would be a far better
15 medical treatment option than the three alternatives recommended by the government: (1) doing
16 nothing, (2) treat the patient by prescribing Remdesivir and/or (3) intubation and a ventilator. These
17 three options too frequently resulted in the patient’s death.

18
19 24. Determined to save her patients in the face of a novel threat, when HCQ was
20 administered to her patients she observed their symptoms lessened, breathing became easier, and the
21 patient treated using HCQ was discharged from the hospital in a condition much improved when
22 compared against their status upon admission. Based on repeated successful results from the early
23 use of HCQ—and the lengthy record of safety using HCQ, Dr. Gold was determined to provide life-
24 saving care to her patients using HCQ for the early treatment of Covid-19. Her conduct exemplified
25 the highest standards of fidelity to the Hippocratic Oath as was required from her to continue as a
26 physician licensed to practice medicine in California.
27
28

1
2 25. In May of 2020, Gold was confronted by Adventist Hospital’s Staff about the use of
3 HCQ. They instructed her that she was prohibited from prescribing or administering HCQ to any
4 patient admitted to Adventist Hospital for the treatment of Covid-19, notwithstanding HCQ was a
5 fully FDA approved drug with a decades-long record of safety, and she had seen numerous patients
6 with Covid-19 successfully treated with HCQ. Instead, Dr. Gold was directed to follow a protocol
7 for Covid-19 patients using a drug known as Remdesivir. And then, if the patient did not improve,
8 but went into respiratory failure, they were to be put on ventilators.
9

10 26. Remdesivir’s nickname is “Run Death Is Near” because it has an extraordinarily
11 high rate of serious harmful effects including kidney failure and even death. Dr. Gold also
12 understood that once a hospitalized patient was put on a ventilator, their chances of coming off the
13 ventilator and living to see outside the walls of the hospital were materially reduced.
14

15 27. Accordingly, Gold confronted hospital management with her concerns, demanding
16 that she be permitted to provide life-saving medication to her patients. Her request was immediately
17 denied. She was eventually terminated from her position for refusing to comply with Adventist
18 Hospital’s protocols for Covid-19 patients. If followed, these treatment protocols enforced by the
19 CMB would substantially increase the risk of *avoidable* patient deaths or permanent damage to their
20 health.
21

22 28. At or near this same time, Gold created and founded America’s Frontline Doctors, a
23 non-profit organization dedicated to providing, “We The People with independent information from
24 the world’s top experts in medicine and law so [the public] can be empowered with facts, protect
25 [their] health, and exert [their] inalienable and Constitutionally guaranteed rights.”²
26

27
28 ² There are 2,000 physicians and allied health professionals affiliated with AFLDS. There are more than one million supporters/subscribers.

1 29. In this position, Dr. Gold began giving speeches calling attention to the public health
2 policy debacle unfolding across the country and what could be done to avoid bad outcomes
3 resulting from this disastrous public health policy. In July of 2020, at her first annual “White Coat
4 Summit” in Washington D.C., Dr. Gold gave a speech, in which she explained her experience as an
5 ER physician. A video of the speech went “viral” and received over 30 million views. Dr. Gold’s
6 and America’s Frontline Doctors’ popularity surged, ostensibly causing a substantial group of
7 pharmaceutical companies—who stood to profit from selling “novel” treatments for Covid-19—to
8 harbor concerns about Gold’s continued ability to influence public opinion on the topic.
9

10 30. The popularity of HCQ and Ivermectin (“IVM”) surged all over the Country
11 following Dr. Gold’s “White Coat Summit” speech and subsequent advocacy for early treatment of
12 Covid-19 using these drugs. Following her speech, several telemedicine companies launched
13 (including Dr. Stella Immanuel, Encore, Speak With An MD, and My Free Doctor) which
14 collectively had encounters with several million patients interested in learning about an alternative
15 to the standard of care pushed by the CMB and other government agencies.
16

17 31. As further proof of the *bona fide* accuracy of the medical information available from
18 America’s Frontline Doctors, within hours of going online, Dr. Gold’s and America’s Frontline
19 Doctors’ speeches in July of 2020 were censored by YouTube, Facebook and other social media
20 outlets. Rather than act with integrity in the face of the mounting evidence of HQC and IVM’s
21 effectiveness treating Covid-19 in its early stages, the CMB violated its statutory mandate for
22 protecting the public in two ways: (i) by concealing the truth about the effectiveness of the Covid-
23 19 treatment protocols advocated at the White Coat Summit and by AFLDS physicians, and (ii)
24 touting the effectiveness of unproven and dangerous drugs such as Remdesivir.
25
26
27
28

1 32. Notably, the CMB has never accused Dr. Gold of saying anything *false*. Indeed, Dr.
2 Gold’s public comments on this topic have been proven accurate and within the range of widely
3 held medical opinions by her professional peers.

4 **B. CMB RECKLESSLY REQUIRES USE OF REMDESIVIR**

5 33. In 2021, hundreds of thousands of Americans were hospitalized with Covid-19. The
6 vast majority were given the “industry standard” treatment. They were told to remain at home until
7 they were having trouble breathing and/or their “lips turned blue” at which point they were to come
8 into the Emergency Room. Once admitted to the hospital or emergency room, already deprived of
9 adequate oxygen, the patients were generally provided with Remdesivir,³ which had recently been
10 approved for use against Covid-19 under an Emergency Use Authorization (“EUA”). If, and when,
11 the patients’ oxygen saturation levels continued to deteriorate, they would then be placed on
12 ventilators. Thousands of patients ultimately died following this pattern. This public health policy
13 was adopted and enforced by the CMB. However, it was a colossal failure and resulted in thousands
14 of Californian residents and families suffering avoidable deaths and permanent damage by
15 undergoing this treatment protocol.
16

17 34. Remdesivir initially went through clinical trials prior to the Covid-19 pandemic in
18 order to determine whether it could successfully treat Ebola patients. However, six months into the
19 Ebola study, Remdesivir was pulled from the study because it was so dangerous. Within 28 days,
20 subjects taking Remdesivir had lethal side effects, including multiple organ failure, acute kidney
21 failure, septic shock, hypotension, and 54% of the Remdesivir clinical trial group died. This was the
22 highest mortality rate of any of the four drugs being tested in the Ebola clinical trials.
23
24
25
26

27 _____
28 ³ Remdesivir cost approximately 1000 times the equivalent dose of Hydroxychloroquine or Ivermectin.

1 35. Nevertheless, the FDA approved Remdesivir under an EUA to treat Covid-19 patients.⁴
2 Stated differently, although Remdesivir was too dangerous to use against the highly lethal Ebola
3 virus, it *did* receive EUA status to treat a virus the CDC stated had a 99.5-99.997% recovery rate in
4 untreated persons aged 0-70.

5 **C. MANIPULATION OF “EMERGENCY USE AUTHORIZATION” PROCESS**

6
7 36. The regulations concerning Emergency Use Authorization (“EUA”) require that “no
8 other treatment options” are available. Thus, a drug granted EUA status represents a huge financial
9 benefit for its manufacturer. But Remdesivir’s eligibility for Emergency Use Authorization was
10 predicated on *ignoring* the determination of numerous medical experts (including Dr. Gold) that
11 safe and inexpensive drugs like HCQ and IVM—both FDA approved—could effectively treat
12 Covid-19 if administered in the early stages.

13
14 37. 21 U.S.C. section 360(b)(b)(b)(3)(c)(3) provides in relevant part as follows,
15 “The Secretary may issue an authorization under this section with respect to the emergency use of
16 a product only if, after consultation with the Assistant Secretary for Preparedness and Response, the
17 Director of the National Institutes of Health, and the Director of the Centers for Disease Control and
18 Prevention (to the extent feasible and appropriate given the applicable circumstances described in
19 subsection (b)(1)), *the Secretary concludes— 3) that there is no adequate, approved, and available*
20 *alternative to the product for diagnosing, preventing, or treating such disease or condition...*”

21
22 38. Given the statutory requirement that no “adequate, approved and available alternative”
23 exist in order for an Emergency Use Authorization to be issued, Dr. Gold’s advocacy for
24 investigating the use of HCQ and IVM in the early treatment of Covid-19 was at cross purposes
25
26

27
28 ⁴ See “The Real Anthony Fauci”, by Robert F. Kennedy, published 2021 by Skyhorse Publishing page 63, at ¶4

1 with the drug manufacturers' objectives seeking EUA authorizations. After all, if Dr. Gold was
2 right, they stood to lose billions when their EUA applications were not approved.

3 **D. CAPITOL BUILDING SPEECH ON JANUARY 6TH**

4 39. Understanding that the public should have a right to efficacious life-saving
5 information free of government interference obstructing accurate medical information from being
6 disseminated, Dr. Gold obtained a "Permit Relating to Demonstration Activities on United States
7 Capitol Grounds" SES # 20-12023, valid from 8 a.m. to 6 p.m. in order to give a speech in
8 Washington D.C. on January 6, 2021 ("January 6th") in "Grassy Area 8" bounded by Constitution
9 Avenue, NE; First Street, NE; Northeast Drive and the East Front Plaza. She intended to make a
10 speech, (as she had done several times in the days leading up to January 6th in other locations, and
11 intended to continue to do afterwards) about the denial of basic human rights and the government's
12 assault on the rule of law in her status as a mother and a lawyer exercising her right to free speech.
13

14 40. When Dr. Gold arrived on the Capitol grounds to make her pre-planned and
15 permitted speech, Capitol police informed her Grassy Area 8 was closed. Consequently, Dr. Gold
16 would not be permitted to make her speech at that location. Determined to make the speech she had
17 prepared, Dr. Gold received permission and stood on the top steps on the east side of the Capitol
18 Building and gave some of her speech to the peaceful crowd. Shortly thereafter, the Capitol police
19 sent a flash bang into the crowd which caused confusion. Next, the Capitol Building doors swung
20 open from the inside and Gold was swept into the Capitol Building along with hundreds (or
21 thousands) of other people. She did not break through any windows or doors, she did not throw any
22 objects, and she did not take any action other than to twice make an approximately four-minute-
23 long speech on the premises. All of these actions can be seen on publicly available closed circuit tv
24 videotape.
25
26
27
28

1 41. During her brief speech on January 6, 2021, Dr. Gold stated that her views were held
2 as a citizen and a mother of two. Her speech dealt exclusively with criticizing public policy issues
3 falling completely outside of the purview of the CMB—but within the mainstream of public
4 opinion. As a matter of law, it would be impossible to conclude that Dr. Gold’s speech was related
5 in any manner—much less *substantially*, to the practice of medicine, or to the qualifications or
6 functions of a medical doctor.
7

8 42. After completing her speech and a brief, peaceful exchange with a Capitol
9 policeman, Dr. Gold left the Capitol Building. Shortly thereafter, she was arrested and eventually
10 pled guilty to a misdemeanor trespass charge because she entered the Capitol Building to make her
11 speech. During this time, Dr. Gold’s internet presence continued to increase eventually making her
12 a familiar face and household name throughout large swaths of the United States on this topic.
13

14 **E. VACCINATIONS PROPAGANDA AND CENSORSHIP OF EARLY TREATMENT**

15 43. In December of 2020, the first Covid-19 “vaccines” became available for use in the
16 United States. The public was bombarded with a steady stream of advertisements and reminders that
17 a new Covid-19 vaccine was in the process of being created and made available for distribution.
18 Again, (i) this new Covid-19 vaccine would only be available through an Emergency Use
19 Authorization; and (ii) the Emergency Use Authorization for Covid-19 Vaccinations would have
20 been *unlawful* if the determinations and expert opinions held by many recognized medical
21 professionals (including Dr. Gold) involving the efficacy of HCQ and IVM for treating Covid-19
22 were accepted. Such a finding would have proved devastating for the financial status of vaccine
23 manufacturers Pfizer, Moderna, and Johnson & Johnson seeking EUA status for their drugs.
24

25 44. These “vaccines” were touted as being 100% successful in preventing transmission
26 of Covid-19, associated illness, and death. Dr. Anthony Fauci, head of the United States National
27 Institute of Health (“NIH”) enthusiastically and repeatedly stated that they would stop COVID
28

1 transmission, prevent illness, and end the Covid-19 pandemic. Specific other influencers touting
2 100% effectiveness included Rochelle Walensky, Jen Psaki, Robert Redfield, Francis Collins, Peter
3 Hotez, Ashish Jha, Albert Bourla, Joseph Biden, Stephane Bancel, as well as the NY Times, WaPo,
4 USA Today, NBC, MSNBC, CNN, ABC, CBS, FoxNews, BBC, The Guardian, Associated Press
5 etc.⁵ Influencers (such as Dr. Gold) who disagreed with these assertions were censored. See
6
7 *Missouri v Biden*. (Case No. 3:22-CV-01213, (2023) West. Dist. of Louisiana).

8 45. These statements of COVID vaccine efficacy were false and recklessly made while the
9 associated dangers of the vaccines were being intentionally suppressed so that an uninformed public
10 could be misled into taking the vaccine without informed consent. As more and more people took
11 the Covid-19 shots, it became increasingly evident the vaccines did not stop transmission of Covid-
12 19, nor the illness or death Covid-19 caused. By March of 2022, the CDC published data showing
13 that the majority of people getting Covid were the vaccinated.⁶ It is now universally acknowledged
14 that the shots of the purported 'vaccine' don't stop the transmission of Covid-19. In response, many
15 jurisdictions (local, state, or other nations) have banned and/or discouraged the shots. For example:
16

- 17 • The United Kingdom has reversed its position and now does not recommend the
18 shots under age 50 and has essentially banned the shots for children.^{7, 8}
- 19 • The nation of Denmark has essentially banned the shots for children.⁹
- 20 • The nation of Sweden has essentially banned the shots for children.¹⁰
- 21 • The State of Florida recommends that males under the age of 39 not take the shots.¹¹

23
24 ⁵ Video and headlines: <https://fast.wistia.net/embed/iframe/kvajk1r8ro> and

25 <https://americasfrontlinedoctors.org/videos/post/conclusion-vaccines-backwards-efficacy-by-dr-simone-gold>

26 ⁶ <https://www.kff.org/policy-watch/why-do-vaccinated-people-represent-most-covid-19-deaths-right-now/>

27 ⁷ <https://www.gov.uk/government/collections/covid-19-vaccination-programme>

28 ⁸ <https://www.gov.uk/government/publications/jcvi-update-on-advice-for-covid-19-vaccination-of-children-aged-5-to-11/jcvi-statement-on-vaccination-of-children-aged-5-to-11-years-old>

⁹ <https://www.reuters.com/article/factcheck-coronavirus-denmark/fact-check-headline-that-claims-denmark-has-banned-covid-19-vaccines-for-children-is-misleading-idUSL1N2ZS0J8>

¹⁰ <https://www.reuters.com/article/factcheck-europe-moderna/fact-check-some-european-countries-halted-moderna-covid-19-vaccines-for-young-people-idUSL1N2RE22K>

- As to the Moderna vaccine, Sweden, Denmark, Finland, and Iceland have essentially banned the Moderna shot;¹² Germany and France have severely restricted the Moderna shot.¹³

46. As more and more people were treated following the approved Covid-19 protocol at hospitals, i.e., arriving with blue lips and low oxygen saturation, then being given Remdesivir and intubation (instead of receiving early outpatient treatment as Dr. Gold and other medical professionals recommended), more and more deaths resulted.^{14, 15, 16, 17, 18} Dr. Gold knew that hundreds of thousands of patients being treated in hospitals throughout 2021 and 2022 could have experienced dramatically better medical outcomes if they had been provided with the medical information she was tirelessly trying to provide to the public.

47. Many thousands of physicians agree with Dr. Gold. There has been a great deal of sworn testimony in state Houses and Congress and published in the medical journals by many experts confirming the scientific accuracy of Dr. Gold's positions from 2020 until today.^{19, 20, 21, 22, 23}

//
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¹¹ <https://floridahealthcovid19.gov/wp-content/uploads/2022/10/20221007-guidance-mrna-covid19-vaccines-doc.pdf>
¹² <https://www.reuters.com/article/factcheck-europe-moderna/fact-check-some-european-countries-halted-moderna-covid-19-vaccines-for-young-people-idUSL1N2RE22K>
¹³ <https://www.forbes.com/sites/roberthart/2021/11/10/germany-france-restrict-modernas-covid-vaccine-for-under-30s-over-rare-heart-risk-despite-surgings-cases/?sh=445168962a8a>
¹⁴ <https://www.washingtonpost.com/health/2020/04/22/coronavirus-ventilators-survival/>
¹⁵ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7590821/>
¹⁶ <https://www.nbcnews.com/health/health-news/why-some-doctors-are-moving-away-ventilators-virus-patients-n1179986>
¹⁷ <https://www.statnews.com/2020/04/08/doctors-say-ventilators-overused-for-covid-19/>
¹⁸ <https://time.com/5820556/ventilators-covid-19/>
¹⁹ <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Risch-2020-11-19.pdf>
²⁰ <https://pubmed.ncbi.nlm.nih.gov/32458969/>
²¹ https://www.legis.state.pa.us/WU01/LI/TR/Transcripts/2021_0179_0011_TSTMNY.pdf
²² <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Kory-2020-12-08.pdf>
²³ [https://www.amjmed.com/article/S0002-9343\(20\)30673-2/fulltext](https://www.amjmed.com/article/S0002-9343(20)30673-2/fulltext)

F. UNLAWFUL MEDICAL BOARD PURSUIT OF SANCTIONS AGAINST DR. GOLD

1
2 48. On December 22, 2021, the CMB sent Dr. Gold correspondence under Control No.:
3 800-2021-083678 stating, “The Medical Board of California (Board) is in receipt of a complaint.
4 Pursuant to Section 800(c) of the Business and Professions Code, we are providing a summary of
5 the complaint filed against you. The Complaint alleges as follows: Dr Gold misleads and lies about
6 Hydroxychloroquine (“Hydroxychloroquine”), Ivermectin, contagious COVID, masks, and
7 vaccine.” The letter, attached hereto as Exhibit “A” ominously explained that if a response was not
8 received by January 5, 2022, “further action could be taken by this agency.”
9

10 49. Dr. Gold did respond to these allegations and the CMB did not appear to take further
11 action for a period of months during its “investigation” of Dr. Gold. It was later *determined that no*
12 *patient complaints against Dr. Gold had been submitted to the CMB.* Instead, progressive political
13 front organizations who may also be supported by government-backed institutions wrote to the
14 CMB, complaining about things they had allegedly heard or seen Dr. Gold say on TV or on the
15 internet.²⁴
16

17 50. On or about April 1, 2022, Dr. Gold tweeted to her approximately 400,000 “followers”
18 the following tweet aimed at CMB President Lawson, “You have abused your position and enabled
19 the threatening of physician’s licenses if they did not comply with your coercive demands. This
20 substantial corruption of public office has been exposed, and you should resign from the California
21 Medical Board, effective immediately.” Lawson responded by explaining that she was grateful that
22 the governor had appointed her to her position. Gold then wrote, “Kristina Lawson, President of the
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26 ²⁴ “No License For Disinformation” is a non-profit that is financially backed by Panorama Global.
27 <https://secure.givelively.org/donate/panorama-global/no-license-for-disinformation> last visited 10/17/2023, and is
28 funded in part by Bill and Melinda Gates Foundation. <https://www.gatesfoundation.org/about/committed-grants/2021/04/inv030867>, last visited 10/17/2023

1 California Medical Board, can't answer simple questions from a physician about her offices'
2 attacks...her corruption is rampant." (See Exhibit "B" attached hereto.) Lawson's retaliatory
3 behavior began almost immediately thereafter.

4 51. On June 10, 2022, Dr. Gold appeared at her sentencing hearing for misdemeanor
5 trespass in the United States District Court for the District of Columbia before the Hon. Christopher
6 Cooper. During the hearing she learned for the first time that the President of the CMB, Kristina
7 Lawson, had written a letter to Judge Cooper claiming, among many other prejudicial comments,
8 "[Dr. Gold] continues to seek to undermine public officials and the role of our government as she
9 did with her participation in the violent insurrection on January 6, 2021." Lawson further described
10 a "group of men" who she believed "followed" her at the "behest" of Dr. Gold. The letter was
11 brimming with unrelenting *ad hominem* vitriol against Dr. Gold, on a very personal level, making it
12 clear that Lawson held a personal grudge against Dr. Gold. (See Exhibit "C" attached hereto.)
13

14 52. Within this June 10, 2022, letter to Dr. Gold's sentencing judge, Lawson inaccurately
15 blamed Dr. Gold for a 'group of men' who attempted to ask Lawson questions in a public parking
16 garage. Dr. Gold wasn't present during this encounter, nor was she behind any attempt to meet
17 Lawson in person to question her. Nevertheless, Lawson never made any assertions publicly or
18 otherwise about the doctor-journalist who in fact did question her in a public parking garage, but
19 instead, and without any evidence, very publicly blamed Dr. Gold for the same.
20

21 53. During her June 10, 2022, sentencing hearing, the transcript records Judge Cooper
22 pointedly asking, "I'm sorry, out of curiosity, is a misdemeanor conviction a ground to rescind
23 anyone's medical license anywhere in the country?" Dr. Gold's attorney responded, "I don't believe
24 it is." Judge Cooper then made the following observation, "If it doesn't involve patient care? the
25 statute speaks for itself. The statement of facts speaks for itself regardless of what label you put on
26 the statute.... Those bodies will now have the benefit of the transcript of this proceeding."
27
28

1 Following the June 10, 2022, sentencing hearing, Dr. Gold served her sixty-day sentence on the
2 misdemeanor trespass beginning on July 26, 2022. The CMB received notice of Dr. Gold’s release
3 on or about October 28, 2022.

4 54. On January 30, 2023, the Medical Board of California filed an Accusation Against
5 Dr. Gold in Case No. 800-2021-074424. The factual allegations asserted that, “In or around January
6 2021, Respondent, a founder of America’s Frontline Doctors, was giving public speeches on Covid-
7 19 related lockdowns, Covid-19 Vaccinations, and the use of ivermectin and hydroxychloroquine as
8 potential treatments.” (hereinafter “Accusation” and attached hereto as Exhibit “D” at ¶ 11.) The
9 Accusation further stated, “On or about March 3, 2022, in United States District Court for the
10 District of Columbia Case No. 21-CR-85-2, [Dr. Gold] pled guilty to the aforementioned
11 (trespassing) charge.” [Title 18, U.S.C. section 1752(a)(1)].
12

13 55. The Accusation alleged two causes of action for discipline against Dr. Gold: 1)
14 Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a
15 Physician and Surgeon; and 2) General Unprofessional Conduct. A hearing on the Accusation was
16 set for November 13, 2023. The November hearing is to be presided over by an Administrative Law
17 Judge (“ALJ”), who will then render a decision. However, the ALJ’s decision could be overturned
18 if the CMB members don’t like the outcome, simply by the CMB stating that it disagreed. At that
19 point, any adverse action against Dr. Gold’s medical license could be taken at their discretion,
20 including but not limited to suspension and/or revocation of her license.
21

22 56. Dr. Gold’s historic and unprecedented criticism of Lawson and the CMB for being
23 corrupt, abusing the CMB’s authority by its *ultra vires* acts engaging in the practice of medicine and
24 enforcement of disastrous health policy that caused great harm to Californians, proved to be well
25 founded. The CMB compounded its original violations of Dr. Gold’s rights by engaging in an
26 historic abuse of its disciplinary power, bringing two unsupported charges against her license solely
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28

1 based on a misdemeanor conviction *not* substantially related to the qualifications and functions of a
2 licensed physician and surgeon.

3 57. In June of 2023, counsel for Dr. Gold contacted Christine Rhee, who had previously
4 held herself out as attorney for the California Medical Board, and subsequently, for Reji Varghese,
5 in his Official Capacity as Deputy Director of the Medical Board, in order to inform her that CMB
6 President Lawson must recuse herself, (and all other CMB Board members who may have had their
7 perception of Dr. Gold tainted by Lawson), from making any decision related to any potential action
8 adverse to Dr. Gold’s license to practice medicine. In an attempt at complete transparency, Counsel
9 for Dr. Gold provided Lawson’s correspondence to Judge Cooper (“Exh. E”) to Ms. Rhee. The
10 correspondence from Lawson was dismissed by Ms. Rhee who claimed CMB President Lawson
11 would not be making decisions about Dr. Gold’s proceeding and none of the other Board members
12 even knew about Lawson’s letter to Judge Cooper. Consequently, she refused to facilitate removing
13 the conflicted CMB’s Board member from making decisions involving the results of Dr. Gold’s
14 November hearing.

15
16
17 58. On July 14, 2023, counsel for Dr. Gold sent additional correspondence to Ms. Rhee
18 informing her that Dr. Gold would need to file a Government Code section 11512(c) affidavit
19 requesting disqualification of the CMB Board President, Lawson. For this legitimate purpose
20 counsel for Dr. Gold requested the name and email address of the person representing the CMB no
21 later than July 18, 2023. (See Exhibit “F” attached hereto.)

22
23 59. Since Dr. Gold had not been provided with any address or contact information by
24 Ms. Rhee, with the exception of Ms. Rhee’s own address, Dr. Gold executed an affidavit, attached
25 hereto as Exhibit “G” setting forth the reasons for which Lawson should be disqualified, and not be
26 permitted to exercise any further power over Dr. Gold’s medical license. She submitted the same to
27
28

1 Robert Bonta, Attorney General of California on or about September 13, 2023, with a copy to Ms.
2 Rhee. To date, no responses have been received to any correspondence identified above.

3 60. On or about August 10, 2023, Dr. Gold received three separate communications from
4 the California Board. The first pertained to Control # 8002021074171, the second to Control #
5 8002020069472, and the third to Control # 8002021080307. Each contained the same message:
6 “This is to advise you that the Medical Board of California has concluded its investigation of the
7 above complaint(s) received against you. No further action is anticipated at this time and the
8 complaint file has been closed. Thank you for your cooperation in this matter.” (See Exhibit “H”
9 hereto.). Dr. Gold was never made aware that the CMB was investigating anything under any of the
10 three “Control” numbers provided above. According to the CMB’s own standards, “Details of the
11 complaint and investigation remain confidential and are not public record; however, the complaint
12 must be discussed with the physician.” As further evidence of its bias against Dr. Gold, the CMB
13 failed to discuss with, or disclose to, any of these complaints involving Dr. Gold as required by
14 law.²⁵

15
16
17 61. As the unfairness of the CMB proceeding continued to manifest itself, Plaintiff filed
18 Government Tort Claims under the California Tort Claims Act (Government Code §§ 810-996.6)
19 with the Counties of Los Angeles, Sacramento, San Diego, and the State of California. On July 24,
20 2023, the County of Sacramento provided reference claim # L2300877-0001 and explained that the
21 claim would be forwarded to Sacramento County’s Third-Party Liability Claims Administrator. The
22 County of Los Angeles assigned File Number 23-4418540*001 to the claim and rejected it as of
23 July 18, 2023. The County of San Diego assigned File Number 230464 and explained that it
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28 ²⁵ See “Questions and Answers About Investigations” by the Medical Board of California, available at:
<https://www.mbc.ca.gov/Download/Brochures/investigations-brochure-english.pdf>

1 rejected the claim on July 25, 2023. The State of California, which has yet to provide a denial,
2 although the 45-day statutory deadline has passed as of the date of the instant filing.

3 62. On or about October 17, 2023, counsel for the CMB wrote to counsel for Dr. Gold,
4 explaining that the CMB “may or may not” call the one witness it had identified, Jillian Alexander,
5 to testify at the CMB Hearing. Notably, Jillian Alexander, a CMB investigator, was not present in
6 Washington D. C. on January 6, 2021, and would ostensibly be called solely to provide hearsay
7 testimony to the CMB along with other opinions that are still unknown to Dr. Gold.
8

9 **G. RECOGNITION OF HARM FROM COVID-19 VACCINES**

10 63. As of August 20, 2023, it has been determined that the vast majority of those who
11 died or got ill from Covid-19 were those who had taken the Covid-19 vaccine. In fact, a Cleveland
12 Clinic study of more than 51,000 employees showed an undeniable correlation between persons
13 taking the shots and their incidence of contracting Covid: “The higher the number of vaccines
14 previously received, the higher the risk of contracting Covid-19.”²⁶ The Kaiser Family Foundation
15 reported the CDC data that the Covid death rate of the vaccinated is *increasing* over time compared
16 to the unvaccinated and it is *not* explained by higher vaccination rates overall. “[T]he rising share of
17 the population that is vaccinated ... does not seem to explain away all of the rise in the share of
18 deaths that are among vaccinated people over the last year. ... the share of people dying who were
19 vaccinated has risen more steeply...By April 2022, the United States Centers for Disease Control
20 and Prevention (CDC) data show[ed] that about 6 in 10 adults dying of COVID-19 were vaccinated
21 or boosted...”²⁷ The most recent data from 17 countries confirms that the shots increase the chance
22 of death.²⁸ After analyzing mortality data, the researchers discovered a mean “all-ages fatal toxicity
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27 ²⁶ <https://www.medrxiv.org/content/10.1101/2022.12.17.22283625v1.full>

²⁷ <https://www.kff.org/policy-watch/why-do-vaccinated-people-represent-most-covid-19-deaths-right-now/>

28 ²⁸ <https://correlation-canada.org/wp-content/uploads/2023/09/2023-09-17-Correlation-Covid-vaccine-mortality-Southern-Hemisphere-cor.pdf>

1 by injection of one death per 800 injections across all ages and countries.” This correlates to 17
2 million COVID-19 vaccine related deaths from 13.25 billion injections as of September 2, 2023.
3 “There is no evidence in the hard data ... of a beneficial effect from the COVID-19 vaccine. No
4 lives were saved. On the contrary, the evidence can be understood in terms of being subjected to a
5 toxic substance. ... This would correspond to a mass iatrogenic event that killed 0.213% of the
6 world population (one death per 470 living persons) in less than three years.”
7

8 64. As of August 20, 2023, overwhelming data proves that IVM is incredibly effective
9 combatting Covid-19 in its early stages. There are now nearly 100 studies showing IVM is
10 extremely effective at lowering morbidity and mortality from Covid-19. Specifically, there are 99
11 studies from 1,089 scientists involving 137,255 patients in 28 countries and each study recorded
12 statistically significant improvement for mortality, ventilation, ICU, hospitalization, recovery, cases,
13 and viral clearance from early use of IVM. This includes 46 randomized controlled studies and 51
14 studies showing 49% lower mortality, and 62% lower risk from early treatment with IVM.
15

16 65. While all this research was occurring and being published worldwide, the FDA explicitly
17 was telling the public to “Stop it” referring to the use of Ivermectin in treating Covid-19. For
18 example, the FDA infamously tweeted on August 21, 2021: “You are not a horse. You are not a
19 cow. Seriously, y’all. Stop it.”²⁹ The U.S. Food and Drug Administration has been forced to retract
20 its public posture and affirm the law in federal court when the FDA counsel stated, “FDA explicitly
21 recognizes that doctors do have the authority to prescribe ivermectin to “treat Covid.”³⁰ As the
22 United States Court for the Fifth Circuit Court of Appeal recently explained in response to a lawsuit
23 brought by a group of physicians against the FDA, “FDA is not a physician. It has authority to
24
25

26
27 ²⁹ Statement by Ashley Cheung Honold, attorney for the FDA during oral argument on August 8, 2023 in the U.S. Court
of Appeals for the fifth Circuit.

28 ³⁰ <https://www.fda.gov/consumers/consumer-updates/why-you-should-not-use-ivermectin-treat-or-prevent-covid-19>
Retrieved by counsel on September 1, 2023.

1 inform, announce, and apprise—but not to endorse, denounce, or advise. The Doctors have
2 plausibly alleged that FDA’s Posts fell on the wrong side of the line between telling about and
3 telling to. As such, the Doctors can use the APA to assert their ultra vires claims against the
4 Agencies and the Officials. Even tweet-sized doses of personalized medical advice are beyond
5 FDA’s statutory authority...”³¹ However, the FDA still has not removed its disinformation
6 regarding IVM on FDA.gov.
7

8 66. Based on data available as of August 20, 2023, it is clear that if the message
9 containing medical truth from Dr. Gold (and many other qualified medical professionals) about the
10 benefit of early treatment of Covid-19 with FDA approved drugs such as HCQ and IVM had not
11 been so relentlessly suppressed, and her voice stifled by the various arms of government, including
12 the CMB, and if the protocols for Covid-19 treatment she and AFLDS advocated were
13 implemented on a national basis, then hundreds of thousands of Covid-19 deaths could have been
14 prevented.
15

16 67. Instead, Dr. Gold was targeted by the CMB with an unprecedented professional
17 attack and overall effort to stigmatize her in an attempt to punish her for saying what was true, and
18 what she knew to be life-saving information for the effective treatment of Covid-19.
19

20 **H. CMB’S DERELICTION OF ITS STATUTORY MISSION AND AUTHORITY**

21 68. The Medical Board of California has the primary responsibility of licensing and
22 regulating physicians and surgeons and certain allied health care professionals. The Board’s
23 authority and obligations are derived from the Medical Practice Act, (Cal. Business and Professions
24 Code §§ 2000-2029 et seq., hereinafter “MPA”) which is composed of California statutes which
25 provides the CMB (among other functions) with the authority to investigate complaints and take
26

27
28 ³¹ See *Apter v. Dept. of Health & Human Services* (2023) USDC No. 3:22-CV-184.

1 disciplinary action against physicians and surgeons and certain allied health care professionals.

2 These investigation and disciplinary functions are handled by the Board's "Enforcement Program".

3 The Department of Consumers Affairs (DCA) is the Medical Board of California's parent agency.

4
5 69. Under section 2001.1 of the MPA, "Protection of the public shall be the highest
6 priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary
7 functions. *Whenever the protection of the public is inconsistent with other interests sought to be
8 promoted, the protection of the public shall be paramount*" (emphasis supplied).

9 70. There are standards the California Medical Board must follow in discharging its
10 statutory responsibilities which provide important due process protections for licensees. In this
11 regard, the most recent edition of the Medical Board of California's Manual of Model Disciplinary
12 Orders and Guidelines is the 2016 12th edition ("the Manual"). According to the Manual, the CMB
13 produced this Manual of Model Disciplinary Orders and Disciplinary Guidelines, 12th Edition for
14 "the intended use of those involved in the physician disciplinary process: Administrative Law
15 Judges, defense attorneys, physician-respondents, trial attorneys from the Office of the Attorney
16 General, and the Board's disciplinary panel members who review proposed decision and
17 stipulations and make final decisions...The Federation of State Medical Boards and other state
18 Boards have requested and received this manual. All are welcome to use and copy any part of this
19 material for their own work."
20

21
22 71. Page 2 of the Manual sets forth, "Consistent with the mandates of section 2229, these
23 guidelines set forth the discipline the Board finds appropriate and necessary for the identified
24 violations. In addition to protecting the public and, where not inconsistent, rehabilitating the
25 licensee, the Board finds that the imposition of the discipline set forth in the guidelines will promote
26 uniformity, certainty and fairness, and deterrence, and, in turn, further public protection."
27
28

1 72. In particular, page 25 of the Manual sets forth the “recommended range of penalties”
2 for the conviction of a crime substantially related to the qualifications, functions or duties of a
3 physician and surgeon arising from or occurring during patient care, for the conviction of a felony
4 substantially related to the qualifications or duties of a physician and surgeon but not arising from
5 or occurring during patient care, and conviction of a misdemeanor conviction substantially related
6 to the qualifications, functions or duties of a physician and surgeon but not arising from or
7 occurring during patient care.
8

9 73. Noticeably absent from the Manual is any “range of recommended penalties” for a
10 misdemeanor conviction that is *not* substantially related to the qualifications, functions or duties of
11 a physician and surgeon. In reliance on the maxim of statutory construction *expressio unius est*
12 *exclusio alterius*, the only inference to be drawn from this omission is the CMB never intended to
13 discipline physicians and surgeons for misdemeanor convictions not *substantially related* to the
14 qualifications, functions or duties of the same. Moreover, even where the Manual sets forth the
15 range of recommended penalties for misdemeanor crimes which *are* substantially related to the
16 qualifications, functions and duties of a physician and surgeon, they consist of: 1) community
17 service; 2) a professionalism (ethics) course; 3) medical evaluation and treatment; or 4) victim
18 restitution. Again, no patient treated by Dr. Gold complained about her professional conduct.
19

20 74. Contrary to the guidance in the Manual, in the case at bar, the CMB offered Dr. Gold
21 nearly the most severe recommendation possible: revocation of her medical license, along with the
22 conditional suspension of the revocation during a five-year probationary period, among other
23 stipulations. To establish the egregious departure of the CMB from its established guidelines, the
24 following examples of fact patterns when the Board *has* recommended revocation of a medical
25 license are provided: sexual assault of a minor patient attempting to obtain treatment for sexual
26 abuse, health care fraud in billing, and drunkenness and/or being under the influence of drugs in the
27
28

1 Operating Room. Recommending revocation of a medical license based upon a misdemeanor
2 trespass plea is such an extreme and unprecedented recommendation it constitutes *prima facie*
3 evidence of a corrupt Board engaged in an *ultra vires* act in violation of its own rules.

4 75. In addition to violating its published guidance, the CMB’s attack on Dr. Gold is
5 historically aberrant. From 1878 to the present, the entire 145-year history of the California
6 Medical Board, there is not a single recorded instance in which the California Medical Board
7 suspended or revoked any California Physician/Surgeon’s license for any period of time for a
8 misdemeanor trespass conviction. Therefore, there can be no pretense that this case is about a
9 misdemeanor trespass conviction. Therefore, there can be no pretense that this case is about a
10 misdemeanor trespass. It is about CMB’s disagreement with the meritorious content of Dr. Gold’s
11 speech made during the trespass.³²

12 76. On information and belief, Dr. Gold *is the first and only physician* who has ever had
13 any adverse action initiated against her license for a misdemeanor (trespass) not substantially
14 related to the practice of medicine. This unlawful action is neither a random outcome nor a
15 statistical quirk. It exposes the CMB’s ulterior motives for pursuing Dr. Gold because of her
16 constitutionally protected political speech and social media comments critical of CMB’s President
17 Lawson, stating, to the effect that Lawson had “abused [her] position and enabled the threatening of
18 physicians’ licenses if they did not comply with your coercive demands” to engage in medical
19 practices harmful to members of the public at large diagnosed with Covid-19. And that “[T]his
20 substantial corruption of public office has been exposed, and you should resign from the California
21 Medical Board, effective immediately.” (See Exhibit C, page 3.)
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27 ³² This additional compelling proof of improper CMB conduct seeking a penalty against Dr. Gold it has never before
28 pursued against a licensee has implicitly been conceded as accurate by CMB. Upon request by counsel for Dr. Gold, no
adverse action of the type at issue could be identified by CMB’s counsel where only a misdemeanor trespass was used
as the basis for disciplinary action against a physician.

1 **I. CONSTITUTIONAL PRINCIPLES AND PROTECTION OF FREE SPEECH**

2 77. The First Amendment, incorporated against the States through the Fourteenth
3 Amendment, prohibits Government from creating laws that punish people for expressing certain
4 viewpoints.

5 78. The California Constitution further makes clear that, “Every person may freely
6 speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this
7 right. A law may not restrain or abridge liberty of speech or press.” (Article 1, Section 2(a) Cal.
8 Const.)

9 79. “Any attempt to restrict free speech or free assembly must be justified by clear
10 public interest, threatened not doubtfully or remotely, but by clear and present danger, and the
11 rational connection between the remedy provided and the evil to be curbed, which in other contexts
12 might support legislation against attack on due process grounds, will not suffice.” *Thomas v.*
13 *Collins*, U.S.Tex.1945, 65 S.Ct. 315, 323 U.S. 516, 89 L.Ed. 430, rehearing denied 65 S.Ct. 557,
14 323 U.S. 819, 89 L.Ed. 650.

15 80. Focusing specifically on the Physician/Patient relationship, the Court in *Conant v.*
16 *Walters* (309 F. 3d 628, 636 (9th Cir. 2002) stated in response to a government policy that attempted
17 to halt the ability of physicians to advise their patients that medical marijuana may benefit them,
18 that, “The government policy does.... strike at core First Amendment interests of doctors and
19 patients. An integral component of the practice of medicine is the communication between a doctor
20 and a patient. Physicians must be able to speak frankly and openly to patients. That need has been
21 recognized by the courts through the application of the common law doctor-patient privilege. See
22 Fed.R.Evid. 501.”

23 81. The *Conant* court further noted that, “The doctor-patient privilege reflects “the
24 imperative need for confidence and trust” inherent in the doctor-patient relationship and recognizes
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1 that “a physician must know all that a patient can articulate in order to identify and to treat disease;
2 barriers to full disclosure would impair diagnosis and treatment.” (citing *Trammel v. United States*,
3 445 U.S. 40, 51, 100 S.Ct. 906, 63 L.Ed.2d 186 (1980).) *Conant v. Walters*, 309 F.3d 629, 636 (9th
4 Cir. 2002.)

5 **J. DEPRIVATION OF PLAINTIFF’S RIGHT TO DUE PROCESS BY THE CMB**

6
7 82. The Defendants, acting on behalf of the state of California, may not deprive a person of
8 life, liberty, or property without due process of law. U.S. Const., 14th Amend., § 1; Cal. Const., art.
9 I, § 7

10 83. Plaintiff has a vested property interest in her license to practice medicine in the state of
11 California. (See *Smith v. Board of Medical Quality Assurance* (1988), 202 Cal. App. 3d at p. 326.)
12 (“Unquestionably, a physician has a vested property right in his or her medical license, once
13 acquired.” (Ibid., citing *Berlinghieri v. Department of Motor Vehicles* (1983) 33 Cal.3d 392, 396
14 [188 Cal. Rptr. 891, 657 P.2d 383].)

15
16 84. After the CMB, functioning as a government agency acting on behalf of the State of
17 California, filed the Accusation on January 20, 2023, Plaintiff was protected by a “full range of due
18 process rights.” (*Smith*, supra, 202 Cal. App. 3d at p. 326; Cal. Business and Professions Code §§
19 2230, 2293, subd. (c); see Gov. Code, §§ 11500-11528.)

20
21 85. Plaintiff is entitled to the following minimum basic procedural due process rights: (1)
22 reasonable notice of the charges, (2) confrontation rights, (3) and a full hearing whenever state
23 action significantly impairs an individual's freedom to pursue a private occupation. (*Endler v.*
24 *Schutzbank* (1968) 68 Cal.2d 162, 172. Critically, the hearing must be “fair.” (*Fort v. Bd. of Med.*
25 *Quality Assurance*, 136 Cal. App. 3d 12, 23, 185 Cal. Rptr. 836 (Ct. App. 1982).)

26 **(i) No “Fair Hearing” Possible before Complicit CMB**

1 86. There cannot be a “fair hearing” as the entire disciplinary proceeding attempts to pursue
2 revocation of Dr. Gold’s license under Cal. Business & Professions Code §2227 for a misdemeanor
3 violation not included in the Manual as conduct for which such punishment is approved. And as
4 explained below, ¶ 13 of the Accusation is facially insufficient to plausibly allege the subject
5 misdemeanor trespass violation is either (i) “substantially related to the qualifications, functions, or
6 duties of a physician and surgeon” as required by the First Cause of Action of Discipline; or that it
7 otherwise (ii) involves “moral turpitude” as required by the Second Cause of Action of Discipline.
8

9 87. The CMB’s historic disregard of its own Model Disciplinary Rules to pursue either
10 Cause of Action for Discipline was initiated without plausibly alleging aggravating conduct by Dr.
11 Gold, so that a simple misdemeanor trespass (by a physician with an unblemished record and
12 without a single underlying patient complaint) could violate either Section 2234 or 2236 of the
13 Business & Professions Code. The Accusation’s fatal flaw is not a random occurrence in the CMB’s
14 pursuit of Dr. Gold; rather, it is a calculated unlawful government action designed to stigmatize the
15 Plaintiff. As alleged in detail herein, Dr. Gold was critical of Lawson and the Board for dereliction
16 of their “paramount” statutory duties requiring protection of the public’s health. Instead, as Plaintiff
17 publicly stated on numerous occasions, Lawson and the CMB advanced the interests of the drug
18 companies by enforcing the disastrous Covid-19 treatment policies preventing the use of
19 hydroxychloroquine and ivermectin, and thus they were de facto complicit in the avoidable Covid-
20 19 deaths and suffering of thousands of Californians.
21

22 88. Defendants Lawson and the CMB have a conflict of interest and cannot, as a matter of
23 law, be impartial. They have a compelling interest in punishing and causing stigma to Dr. Gold for
24 the purpose of pre-emptively damaging her credentials and professional standing. This motivation
25 for the CMB’s action against Dr. Gold presented itself in the “Concurrence in Senate Amendments”
26 to AB 2098, (a since defunct legislative bill) where page 4 of the same states, “America’s Frontline
27
28

1 Doctors was founded by Dr. Simone Gold, who holds an active license in California as a physician.
2 Dr. Gold and her organization have vociferously promoted hydroxychloroquine as a COVID-19
3 treatment...Despite what would appear to be repeated conduct perpetrated by Dr. Gold involving
4 the dissemination of false information regarding COVID-19, Dr. Gold's license remains active with
5 the MBC and there appears to be no record of any disciplinary actions taken against her. Given the
6 air of legitimacy she sustains from her status as a licensed physician, Dr. Gold likely serves as an
7 illustrative example of the type of behavior that the author of this bill seeks to unequivocally
8 establish as constituting unprofessional conduct for physicians in California.” The bill's author,
9 Assembly Member Evan Low, boasts close political ties to Gavin Newsom, the California Governor
10 who appointed Kristina Lawson to the CMB.³³ Defendant Lawson had an additional motivation to
11 continue to curry favor with, and show gratitude towards, the Governor, whom she has publicly
12 thanked for her appointment. There is an undeniable paper trail demonstrating the political benefit
13 to CMB President Lawson from attacking Dr. Gold.³⁴

16 89. Further, the Accusation that the CMB has levied against Dr. Gold includes two
17 Causes that are both predicated upon a single act. Under California Business and Professions Code
18 section 2236, the CMB alleges that Dr. Gold has been convicted, “of an offense substantially related
19 to the qualifications, functions, or duties of a physician and surgeon” constituting “unprofessional
20 conduct” based on her misdemeanor trespass charge. The CMB has simultaneously accused Dr.
21 Gold of violating California Business and Professions Code section 2234, which states, “The board
22 shall take action against any licensee who is charged with unprofessional conduct. In addition to
23 other provisions of this article, unprofessional conduct includes, but is not limited to the following:
24

25
26
27 ³³ <https://abc7news.com/evan-low-grindr-ca-recall-gavin-newsom/10999312/> last visited on October 17, 2023.

28 ³⁴ Governor Newsom signed AB 2098 on September 30, 2022. It temporarily took effect as of January 1, 2023 but was immediately subjected to legal challenge. Accordingly, on October 1, 2023, Governor Newsom took action to repeal this law.

1 (a) violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of,
2 or conspiring to violate any provision of this chapter; (b) gross negligence; (c) repeated negligent
3 acts...(d) incompetence; (e) the commission of any act involving dishonesty or corruption that is
4 substantially related to the qualifications, functions or duties of a physician and surgeon; (f) any
5 action that would have warranted the denial of a certificate; or (g) the failure by a certificate
6 holder....to attend and participate in an interview...” Here, it appears based on the language of the
7 Accusation against Dr. Gold, that the CMB has elected to pursue her under section e of section 2234
8 based on the identical misdemeanor trespass violation exclusively supporting the First Cause for
9 Discipline pursued under section 2236.
10

11 90. Medical censorship is about more than physicians’ and scientists’ free speech rights – it
12 is also about the public’s fundamental right to informed consent. The CMB is working against the
13 public interest when it engages in medical censorship. Dr. Gold was not advocating a specific
14 course of action for any specific patient. She was broadly informing the public of published
15 scientific facts and opinions.
16

17 **(ii) No “Reasonable Notice” of the Charges Provided by the CMB.**

18 91. Based on Dr. Gold’s guilty plea to a misdemeanor trespass charge, the Accusation
19 asserts: a Cause of Action for Discipline for violation of Cal. Business and Professions Code
20 Section 2236 (Conviction of a Crime Substantially Related to the Qualifications, Functions, or
21 Duties of a Physician and Surgeon) and a second Cause of Action for Discipline is asserted for an
22 unspecified violation of Section 2234 (General Unprofessional Conduct). See Accusation at ¶¶ 20-
23 21, respectively. However, the only justification the Defendants proffered to warrant an abridgment
24 of Plaintiff’s medical license is in Accusation at ¶ 13, which alleges, “.... [Dr. Gold] gave a speech
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1 in the Statuary Hall³⁵, stating her opposition to the Covid-19 vaccine mandates and government-
2 imposed lockdowns. Multiple law enforcement officers had to intervene before [Dr. Gold] stopped
3 her speech and left the Statuary Hall.” The missing *in haec verba* description of Dr. Gold’s speech
4 while committing a misdemeanor trespass violation demonstrates the First Cause of Action (¶ 20) is
5 an impermissible attempt to deprive Plaintiff of her property right (i.e., California medical license)
6 based on exercising her right to engage in constitutionally protected free speech. First Amendment
7 protected conduct, as a matter of law, cannot be “substantially related to the qualifications,
8 functions, or duties of a physician and surgeon” or involve “moral turpitude” to authorize the
9 disputed CMB hearing to go forward.
10

11 92. Similarly, Respondent’s First Amendment protected speech cannot, as a matter of law,
12 constitute “General Unprofessional Conduct” to support the abridgment of her property right
13 interest in her California medical license. The assertions in ¶ 13 implicitly admit it is the content
14 communicated by Dr. Gold’s constitutionally protected “speech” with which CMB disagrees. The
15 misdemeanor conviction is a pretext improperly relied on by the CMB to punish Dr. Gold’s
16 protected speech without due process of law. Although the accuracy of an opinion is not the
17 recognized test for whether it should be protected by the First Amendment, there is no allegation
18 that Dr. Gold’s referenced speech contained inaccurate information. That is worth repeating: the
19 CMB has never alleged anything Dr. Gold has said was *false*. As Winston Smith observes in
20 Orwell’s *1984*: “Freedom is the freedom to say that two plus two makes four. If that is granted, all
21 else follows.”
22
23

24 93. Furthermore, the Plaintiff has provided to discovery to the Defendants (and no contrary
25 discovery has been produced by the Defendants) establishing the factual impossibility of proving
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27
28 ³⁵ Plaintiff does not concede there is proof of either allegation, or that Defendants’ Counsel had a good faith basis to ethically assert these facts.

1 either Cause for Discipline can support the CMB's requested punishment. The unsupported and
2 facially defective Causes for Discipline (which are multiplicitious, improperly charging the identical
3 conduct in two separate Causes for Discipline) merely provide a pretext for the CMB to exercise its
4 power over the Plaintiff to take adverse action against her medical license.

5
6 **CAUSES OF ACTION**

7 **COUNT I**
8 **(Constitutional Causes of Action)**

9 **42 U.S.C. § 1983**

10 **Violation of the U.S. Constitution- First Amendment-Abuse of Investigative Power and**
11 **Chilling Effect.**

12 94. Plaintiff reincorporates the foregoing as if fully written herein.

13 95. California and federal statutory and constitutional law specifically limit the authority
14 of the CMB and its members to investigation related to professional conduct, not political speech.
15 Political speech may not be investigated by the Defendants.

16 96. As a private citizen Plaintiff has made public statements regarding Covid-19 and the
17 government response thereto that are considered political in nature.

18 97. The legitimacy of the government responses to Covid-19, the efficacy of fully FDA
19 approved drugs such as hydroxychloroquine, budesonide and ivermectin, the dubious efficacy of
20 vaccines and the propriety of recommending them or mandating them for use in the healthy U.S.
21 population and the other related matters on which Plaintiff has opined are all broad issues of social
22 and political interest to society at large.

23 98. Defendants initiated their Accusation related to Plaintiff based almost entirely on
24 political speech, using Plaintiff's appearance on January 6, 2021, at the U.S. Capitol as a pretext for
25 its determination to pursue her license.
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1 99. The alleged content of Plaintiff’s speech was a substantial motivating factor for
2 Defendants’ investigations. Defendants had no authority to initiate an investigation into Plaintiff
3 based on a speech she gave that was not substantially related to the practice of medicine.

4 100. Defendants abused their investigative power solely to chill Dr. Gold’s political
5 speech because Defendants were not required to investigate frivolous complaints made by
6 individuals other than Dr. Gold’s patients and demand written responses and production of
7 documents based solely on speech. The matters under investigation exceed the Defendants’
8 jurisdiction and are illegal. Defendants have produced no evidence that any patient was harmed or
9 that there is any concern “substantially related to the practice of medicine” involving Plaintiff’s
10 professional conduct.
11

12 101. Under the CMB’s Model Disciplinary Rules, Defendants are not required to
13 “investigate” Dr. Gold based on her plea to misdemeanor trespass unrelated to the practice of
14 medicine.
15

16 102. Despite being provided with numerous opportunities to dismiss the Accusation
17 against Dr. Gold without subjecting her to further inquiry in order to chill her speech, Defendants
18 refused to do so. Moreover, Defendants refused to halt their investigation into vague allegations that
19 she was providing “misinformation” to unknown individuals.
20

21 103. Defendants’ actions would chill a person of ordinary firmness from petitioning or
22 continuing to petition the government.

23 104. Defendants have neither a substantial nor a compelling interest to justify
24 investigating Plaintiff for petitioning the government.

25 105. Defendants’ actions are not narrowly tailored to any claimed government interest in
26 regulating the medical profession because political speech or thoughts and discussions surrounding
27 medical advice are not within the Defendants’ jurisdiction.
28

1 106. Defendants' investigation subjected Dr. Gold to the present harm of expending time
2 and money to respond to the investigation as well as the potential future harm of disciplinary or
3 corrective action, including adverse action against her medical license up to and including
4 revocation of her license.

5
6 107. Dr. Gold respectfully requests that this Court declare that Defendants have violated
7 her constitutional rights, and to award her actual, nominal, general and compensatory damages for
8 damage to her personal dignity, reputation, medically derived income, and constitutional rights. Dr.
9 Gold further seeks punitive damages because Defendants' actions were willful or with reckless
10 indifference to her constitutional rights.

11 **COUNT II**
12 **(Constitutional Causes of Action)**

13 **42 U.S.C. § 1983**
14 **Violation of the U.S. Constitution,**
15 **First Amendment Free Speech Clause**
16 **Retaliation**

17 108. Plaintiff reincorporates the foregoing as if fully written herein.

18 109. The First Amendment prohibits the government from "abridging the freedom of
19 speech." (U.S. Constitution., Amend.1.)

20 110. Plaintiff engaged in protected speech when she spoke at or through public forums,
21 such as the White Coat Summit, news interviews, and online social media platforms, on matters of
22 public concern.

23 111. Defendants initiated multiple investigations into Plaintiff on the basis of her
24 exercising her right to free speech.

25 112. Plaintiff's speech was a substantial or motivating factor for Defendants'
26 investigation, which at least two separate investigations, and possibly five were grounded on
27 Plaintiff's speech allegedly constituting "unprofessional behavior." In particular, Investigation
28

1 Control No.: 8002021083678 alleged that “Dr. Gold misleads and lies about³⁶ Hydroxychloroquine,
2 Ivermectin, contagious COVID, masks and vaccine.”

3 113. In addition, the Accusation against Dr. Gold under Control No.: 800-2021-074424
4 alleges, “On or around January 2021, Respondent, a founder of America’s Frontline Doctors, was
5 giving public speeches on Covid-19 related lockdowns, Covid-19 vaccinations, and the use of
6 ivermectin and hydroxychloroquine as potential treatments.”

7 114. The President of the CMB, Kristina Lawson went so far as to attempt to influence
8 Judge Cooper’s decision in Dr. Gold’s sentencing hearing for misdemeanor trespass, illustrating her
9 bias and vitriol, but most apparently her desire to damage Plaintiff financially.

10 115. On information and belief, Lawson’s behavior stemmed not only from Dr. Gold’s
11 speeches pertaining to early treatment methods for Covid-19, but also from Plaintiff’s position, as
12 expressed on social media, that Lawson was corrupt, and should resign from her position. (See
13 Exhibit “C” hereto.)

14 116. Defendants’ actions would chill a person of ordinary firmness from exercising or
15 continuing to exercise her right to freely express her opinions on matters of public concern.

16 117. Defendants have no compelling interest to justify investigating Plaintiff for protected
17 speech.

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21 **COUNT III**
22 **(Constitutional Causes of Action)**
23 **42 U.S.C. 1983**

24 **Violation of the U.S. Constitution,**
25 **First Amendment Free Speech Clause**
26 **Viewpoint Discrimination**

27 118. Plaintiff reincorporates the foregoing as if fully written herein.

28 ³⁶ “Hydroxychloroquine” was misspelled by the CMB in its correspondence to Dr. Gold. The misspelling of this common medication demonstrates that the individuals at the CMB charged with disciplining highly qualified physicians may not have the requisite comprehension or understanding of medicine necessary to do so.

1 119. The First Amendment prohibits the government from “abridging the freedom of
2 speech.” U.S. Const., Amend. 1.

3 120. Plaintiff engaged in protected speech when she spoke at and through public forums,
4 such as in television and podcast interviews, online social media platforms, and on January 6, 2021,
5 when she gave a speech dealing with matters of public concern.
6

7 121. Defendants initiated multiple investigations into Plaintiff’s speech, including but not
8 limited to demanding written responses under threat of disciplinary action or revocation of her
9 medical license because of the viewpoint that she expressed in her various interviews and speeches.

10 122. Defendant’s investigations purported to scrutinize Plaintiff’s viewpoint in which they
11 first alleged in Investigation Control # 800-2021-083678 that she, “misleads and lies about
12 Hydroxyxhloroquin (sic) [Hydroxychloroquine], Ivermectin, contagious Covid, masks and vaccine”
13 and in addition that the CMB was “required to provide [Dr. Gold] with an opportunity to respond to
14 the allegations above.” The CMB then requested Dr. Gold’s written response, notifying her that
15 “further action could be taken by this agency.” Second, with respect to Investigation Control No.:
16 800-2021-074424, the CMB alleged that Dr. Gold, “was giving public speeches on Covid-19 related
17 lockdown, Covid-19 vaccinations, and the use of ivermectin and hydroxychloroquine as potential
18 treatments” and characterizing the alleged content of her speech as “General Unprofessional
19 Conduct” under California Business and Professions Code §§ 2227 and 2234.
20

21 123. Upon information and belief, Defendants have not initiated any investigations into
22 medical doctors who have publicly made statements about the government response to Covid-19
23 which called for greater restrictions on the population, contrary to Dr. Gold’s political message even
24 though it now appears that “greater restrictions” were responsible for serious adverse health
25 consequences, including but not limited to, increased suicide rates, decreased speech and cognition
26 in young children, a severe loss of learning for children, loss of social skills, numerous deaths and
27
28

1 injuries due to the administration of Remdesivir in the treatment of Covid-19, significant health
2 concerns associated with lack of exercise and profoundly increased obesity rates in children and
3 adolescents according to the NIH.³⁷

4 124. Defendants’ actions would chill a person of ordinary firmness from exercising or
5 continuing to exercise his right to freely express her viewpoint on matters of public concern.

6 125. Defendants have no compelling interest to justify investigating Plaintiff for the
7 content of her protected speech.

8 126. Defendants’ investigation subjected Plaintiff to the present harm of expending time
9 and money to respond to the investigations as well as the potential future harm of disciplinary or
10 corrective action, including serious adverse action against her medical license.

11
12 **COUNT IV**
13 **(Unconstitutional Conditions)**

14 **42 U.S.C. 1983, 1988;**
15 **28 U.S.C. 2201 et seq**

16 127. Plaintiff incorporates the preceding paragraphs by reference.

17 Medical professionals such as Dr. Gold cannot be forced to trade their constitutional rights
18 for the benefit of their government-issued license. “[The government] may not deny a benefit to a
19 person on a basis that infringes [her]constitutionally protected interests- especially [her] interest in
20 freedom of speech.” *Perry v. Sindermann*, 408 U.S. 593, 597, 92 S. Ct. 2694, 2697 (1972).

21 128. Because expression on “public issues has always rested on the highest rung of the
22 hierarchy of First Amendment Values.... mandating that [individuals] affirmatively espouse the
23 government’s position on a contested public issue where the differences are both real and
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28 ³⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9582903/>

1 substantive” runs afoul of the unconstitutional conditions doctrine. *All for open Society Int’l v.*
2 *United States Agency for Int’l Dev.*, 651 F. 3d 218, 236 (2nd Cir. 2011).

3 129. The CA government also agrees that doctors like Dr. Gold can certainly speak
4 publicly on these issues. During a hearing in front of the Ninth Circuit Court of Appeals, when this
5 very issue of the *content* of free speech arose, it was the government’s position (CA Deputy
6 Attorney General Kristin Liska) that: “...doctors were still free to go on talk shows and publish
7 Covid research without fearing for their license.”³⁸

9 130. This is especially true where, as here, the government “compels [individuals] to
10 voice the government’s viewpoint and to do so as if it were their own. “ *Id.* at 237.

11 131. Dr. Gold must not be forced to repeatedly respond to illegitimate “investigations” of
12 her license, at her expense, based upon her exercise of rights afforded under the U.S. Constitution.

13 132. Dr. Gold must not be forced to abandon her beliefs or rights in order to keep her
14 medical license.

15 133. Defendants repeated illegal investigations of Dr. Gold create unconstitutional
16 conditions for her retention of her medical license because they attempt to force her to remain silent
17 on issues of public concern or face adverse action and/or the revocation of her medical license.

18 134. Thus, Defendants’ actions violate the unconstitutional conditions doctrine.

19 135. Absent injunctive and declaratory relief against the Defendants’ application of their
20 investigatory power against Dr. Gold because of her political speech, Dr. Gold has been and will
21 continue to be irreparably harmed.

22 136. Plaintiff respectfully requests that this Court enjoin the Medical Board of California
23 from further investigating Dr. Gold on the basis of free speech, and from moving forward with the
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28 ³⁸ <https://justthenews.com/government/state-houses/california-quietly-disavows-medical-misinformation-law-courts-can-strike-it>

1 hearing currently set for November 12, 2023 in which Plaintiff believes that the Medical Board of
2 California will attempt to suspend and/or revoke her medical license because she has exercised her
3 right to free speech with respect to matters of public concern.

4 137. Plaintiff further respectfully requests that this Court award to Plaintiff nominal,
5 actual, compensatory, general and punitive damages for the Defendants' intentional and unlawful
6 investigations into her political speech.

7 138. Plaintiff further respectfully requests that this Court award to Plaintiff the reasonable
8 value of attorney fees under 42 U.S.C. section 1988, and all taxable costs and disbursements, after
9 appropriate motions or applications for the same.
10

11 **COUNT V**
12 **(Statutory Cause of Action)**

13 **Exceeding Statutory Authority and Violations of the California Administrative Procedures**
14 **Act by the California Medical Board**

15 139. Plaintiff incorporates the preceding paragraphs by reference.

16 140. The MBC's authority and obligations are derived from its enabling act, the Medical
17 Practice Act ("MPA"), under California Business and Professions Code § 2000-2029 et seq.

18 141. Notably, the MPA does not authorize investigations of, or discipline for,
19 misdemeanor convictions which were not substantially related to the qualifications, functions or
20 duties of a physician and surgeon, and which did not arise from or occurred during patient care.

21 142. The MPA does not sanction investigations of, or discipline for, the exercise of
22 protected physician free speech, or for the exercise of protected physician political speech. These
23 alleged "infractions" are not authorized by the MPA. Any such attempted investigations or
24 discipline by the CMB constitute *ultra vires* actions on the part of the CMB. (See also ¶ 141.)

25 143. As confirmed by the CMB's own Manual of Model Disciplinary Orders and
26 Disciplinary Guidelines, 12th Edition, nowhere in the Manual is any discipline specified for
27
28

1 misdemeanor convictions which were not substantially related to the qualifications, functions or
2 duties of a physician and surgeon, and which did not arise from or occurred during patient care. Nor
3 does the Manual specify discipline for the exercise of protected physician free speech, or for the
4 exercise of protected physician political speech.

5
6 144. Indeed, as set forth in Paragraph 73 above, even where the Manual sets forth the
7 range of recommended penalties for misdemeanor crimes that are substantially related to the
8 qualifications, functions, and duties of a physician and surgeon, they consist of 1) community
9 service; 2) a professionalism (ethics) course; 3) medical evaluation and treatment; or 4) victim
10 restitution.

11
12 145. Yet, as set forth in Paragraph 74, the CMB only offered Dr. Gold a revocation of her
13 medical license, along with the conditional suspension of the revocation during a five-year
14 probationary period, among other stipulations. This is approximately the most severe
15 recommendation possible, alongside sexually molesting patients, being drunk while operating and
16 severe healthcare fraud.

17
18 146. Therefore, the CMB is attempting to discipline Dr. Gold for something beyond the
19 scope of its enabling act, and beyond the scope of its Manual, such as for Dr. Gold's protected free
20 speech, or for Dr. Gold's protected political speech, or for a misdemeanor which is not substantially
21 related to the qualifications, functions or duties of a physician and surgeon, and which did not arise
22 from or occurred during patient care. None of these alleged "disciplinary offenses" are sanctioned
23 by the MPA or by the CMB's own Manual.

24
25 147. Indeed, as noted in Paragraph 75, Plaintiff, after notifying the Department of Justice
26 there is no historical precedent for pursuing this penalty based on a misdemeanor trespass violation,
27 the Department of Justice could not identify a single occasion when the CMB has ever suspended or
28

1 revoked any California Physician/Surgeon’s license for any period of time based on a misdemeanor
2 trespass conviction.

3 148. As such, the CMB in this instance exceeded its statutory authority under the MPA,
4 and as such, engaged in *ultra vires* actions.

5 149. Further, the CMB, at minimum, was required under the California Administrative
6 Procedures Act (“APA”) California Government Code section 11340 et seq. to follow the
7 administrative procedures necessary to amend its regulations and Manual to attempt to cover these
8 unprecedented disciplinary actions against Dr. Gold.

9 150. However, the CMB failed to follow the administrative procedures required of it
10 under the APA. Thus, the CMB’s actions in this case were invalid, as they relied solely upon
11 arbitrary ‘unwritten rules’ or what is known as invalid “underground regulations’, as defined by
12 *Naturist Action Com v. Dep’t of Parks and Recreation*, 175 Cal. App. 4th, 96 Cal Rptr. 3d 620
13 (2009).

14 151. As set forth in *Naturist Action Com v. Dep’t of Parks and Recreation*: “To comply,
15 an agency “must give the public notice of its proposed regulatory action [§§11346.4, 11346.5; issue
16 a complete text of the proposed regulation with a statement of the reasons for it [§11346.2] subds.
17 (a). (b); give interested parties an opportunity to comment on the proposed regulation [§11346.8];
18 respond in writing to public comments [§11346.8 subd. (a), §11346.9]; and forward a file of all
19 materials on which the agency relied in the regulatory process to the Office of the Administrative
20 Law [§11347.3 subd. (b)], which reviews the regulation for consistency with the law, clarity and
21 necessity [§§11349.1, 11349.3].” (*Tidewater Marine Western, Inc.v. Bradshaw*, supra, 14 Cal. 4th at
22 p. 568, 59 Cal Rptr. 2d 186, 927 P. 2d 296.)” “ Any regulation.....that substantially fails to comply
23 with these requirements may be judicially declared invalid...” (*Morning Star Co. v. State Board of*
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1 *Equalization*, (2006) 38 Cal. 4th 324, 333, 42 Cal. Rptr. 3d 47.; *Naturist Action Com. V. Dep't of*
2 *Parks & Recreation*, 175 Cal. App. 4th 1244, 1250, 96 Cal. Rptr. 3d 620, 624-25 (2009).

3 152. None of these required administrative steps under the APA were followed by the
4 CMB with respect to their multiple investigations and current prosecution of Dr. Gold.

5 153. These APA safeguards are designed to prevent bureaucratic overreach by prohibiting
6 “underground regulations”. As stated by *Naturist Action Com. V. Dep't of Parks & Recreation*, : “If
7 an agency adopts a regulation without complying with the APA requirements it is deemed an
8 “underground regulation” (Cal. Code. Regs. Tit. 1 section 250) and is invalid. (*Modesto City*
9 *Schools v. Education Audits Appeal Panel* (2004) 123 Cal. App. 4th 1365, 1381, 20 Cal. Rptr. 3d
10 831.) Here, the CMB’s policy of attempting to utilize the pretext of a misdemeanor trespass to
11 punish Dr. Gold’s exercise of free speech amounts to an underground regulation that cannot be
12 enforced.
13

14 154. Therefore, under the precedent set in *Naturist Action Com. V. Dep't of Parks and*
15 *Recreation*, the actions taken by the CMB should be declared invalid. Also, see to the same effect
16 *Wendz v. California Dep't of Educ.*, (2023) 93 Cal. App. 5th 608.
17

18 **COUNT VI**
19 **(Constitutional Causes of Action)**

20 **Violations of Substantive Due Process**

21 155. Plaintiff incorporates the preceding paragraphs by reference

22 156. The Fifth Amendment prohibits the federal government from depriving a person of
23 life, liberty, or property without due process of law. This constitutional principle further prevents an
24 unlawful state action from depriving a citizen of their property interest without due process of law.
25 U.S. Const., Amend. 14.
26

27 157. Plaintiff was granted her medical license from the state of California in 1989, and her
28 license has remained active without probation at all times relevant to this Complaint.

1 158. On January 20, 2023, the CMB brought the Accusation against the Plaintiff seeking
2 the deprivation or abridgment of Plaintiff’s property interest in her California medical license.

3 159. The allegations in ¶ 13 of the Accusation describe constitutionally protected speech
4 engaged in by the Plaintiff, or, in the alternative, do not provide reasonable notice of the charges
5 against her, which are relied on by CMB to support its request for a decision to impose disciplinary
6 actions against the Plaintiff.
7

8 160. Upon information and belief, Defendants have not initiated any investigations into
9 medical doctors who have publicly made statements about the government response to Covid-19
10 which called for greater restrictions on the population, (contrary to Dr. Gold’s political message)
11 even though it now appears that “greater restrictions” were responsible for serious adverse health
12 consequences, including but not limited to, increased suicide rates, decreased speech and cognition
13 in young children, a severe loss of learning for children, loss of social skills, numerous deaths and
14 injuries due to the administration of Remdesivir in the treatment of Covid-19, and other significant
15 health concerns associated with lack of exercise.
16

17 161. The Plaintiff had engaged in protected speech when she spoke at and through public
18 forums, such as in television and podcast interviews, online social media platforms, and on January
19 6, 2021, when she gave a speech dealing with matters of public concern. At various times Plaintiff’s
20 constitutionally protected speech has vigorously criticized the Defendants for their wrong—and
21 ultra vires—conduct restricting the use of hydroxychloroquine and ivermectin by California-
22 licensed medical providers to protect the public from the disastrous Covid-19 policy enforced. The
23 Defendants’ conduct was counterfactual and in violation of their mandate to make protection of the
24 public’s health “paramount” rather than wrongfully subordinated to the proprietary interests of the
25 pharmaceutical industry.
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1 162. The CMB has no authority to practice medicine. When the Board threatens a
2 professional license based upon a licensee’s minority opinion of a particular therapeutic, that is the
3 Board “practicing medicine.” This exceeds the Board’s scope. Bureaucrats practicing medicine is
4 contrary to the protection of the public. Plaintiff has publicly exposed the Defendants’ dereliction of
5 its statutory mission and legislative purpose, to wrongfully engage in the “practicing medicine” by
6 threatening physicians who would use safe and substantially less expensive drugs to treat their
7 patients. As current information continues to validate the accuracy of the medical opinions
8 expressed by Dr. Gold, it has become existentially important for the Defendants to stigmatize Dr.
9 Gold.³⁹ Consequently, in violation of the due process clause, as a matter of law, she cannot receive a
10 fair hearing. This is an independent problem with the Accusation in addition to its failure to provide
11 reasonable notice of the charges against her.
12

13 **PRAYER FOR RELIEF**

14
15 WHEREFORE, Plaintiff Dr. Simone M. Gold respectfully requests that this Court enter
16 judgment against Defendants and provide her with the following relief:

17 A) A declaratory judgment that the Defendants violated Plaintiff’s rights under the First
18 and Fourteenth Amendments to the United States Constitution, Article 1, Section 2, of the
19 California Constitution, and the unconstitutional conditions doctrine.

20 B) An award of injunctive relief prohibiting the Medical Board of California from any
21 future investigations into Plaintiff’s protected First Amendment Speech.
22

23
24
25 ³⁹ There are now 507 studies from 9,599 scientists with 797,796 patients in 86 countries showing early treatment is
26 highly effective. Ivermectin won the Nobel Prize in Medicine in 2015 after all. It is now universally acknowledged that
27 the Covid 19 shots do not stop transmission of the virus, nor work in general. Many governments have reversed course
28 and have banned the shots. Essentially every government body has been forced to agree with Dr. Gold’s words: early
treatment works and the shots don’t. It would be expected that the CMB would have apologized and withdrawn but
instead the CMB has relentlessly pursued her for years. The Board is working against the protection of the public.

1 C) An award of injunctive relief prohibiting the Medical Board of California from
2 proceeding with Case No.:800-2021-074424, currently set for hearing on November 13, 2023, on
3 the basis that it was brought in violation of Dr. Gold’s First Amendment Right to Free Speech.

4 D) An Award of actual, general, and compensatory damages in an amount to be proven
5 at trial, including any damages or penalties available at law.

6 E) Reasonable attorneys’ fees, costs and disbursements in this action pursuant to 42
7 U.S.C. section 1988 and upon proper post-judgment application for the same.

8 F) An award of punitive damages in favor of Plaintiff for the intentional deprivation of,
9 or deprivation with callous disregard to, Plaintiff’s constitutional rights.

10 G) Any further relief that this Court may find just and proper.

11 H) A trial by jury of all such matters properly tried as such is requested.
12
13

14 **Law Offices of Heather Gibson, P.C.**

15 

16 Dated: October 19, 2023

17 By:

18 _____
Heather E. Gibson, Esq.,
Attorney for PLAINTIFF