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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 SIMONE M. GOLD, M.D., an individual,

13 Plaintiff,

14 vs.

15 THE MEDICAL BOARD OF
16 CALIFORNIA, KRISTINA LAWSON;
President of the Medical Board of
17 California, in her official capacity and her
18 individual capacity, REJI VARGHESE, as
Deputy Director of the Medical Board of
19 California and as President of the California
Medical Board in his official and individual
20 capacity; and DOES 1 to 20

21 Defendants.

Case No. 2:23-at-01058

FIRST AMENDED COMPLAINT

22 **INTRODUCTION**

23
24 1. When Dr. Simone M. Gold (“Dr. Gold” and/or “Plaintiff”) was licensed to practice
25 medicine in 1989, she took the Hippocratic Oath, and thereby swore that she would solemnly
26 promise “to the best of [her] ability to serve humanity”—caring for the sick, promoting good health,
27 and alleviating pain and suffering, and to “never intentionally do or administer anything to the
28

1 overall harm of [her] patients.” The state of California required taking this oath prior to granting
2 her the privilege of practicing as a physician.

3 2. Dr. Gold has done her utmost to honor her oath. But in 2020, the California Medical
4 Board (alternatively, “CMB”) acting at the behest of Defendants Reji Varghese and Kristina
5 Lawson, engaged in viewpoint discrimination, abused its authority, and demanded physicians
6 comply with a fatally flawed Covid-19 policy without consideration of whether it required
7 physicians to violate their Hippocratic Oath. If they were faithful to their oath in providing medical
8 care to their patients, their license to practice medicine in this state was threatened. So too was their
9 opportunity to remain on 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 public criticism of
27 the 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 the 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. Dr. Gold’s 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 alternative
23 and highly accurate medical opinions which contradict or expose reckless government approved
24 public health policy narratives, various government arms have increasingly argued it is acceptable
25 to impose unconstitutional mandates and requirements on licensees as a means to censor competing
26 perspectives regardless of substantial underlying medical support for them. The instant case
27 involves such conduct by the CMB.
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 against
9 the rights of its citizens because of protections in the Constitution, Bill of Rights and parallel 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 range of government resources apparatus to enforce compliance with the personal views
14 of those who control these decentralized levers of state 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"). Dr. Gold had been invited to speak at the January 6th
23 rally on the issue of medical freedom, and not on the issue of the election.
24

25 12. Upon arriving at the designated and permitted location, the U.S. Capitol Police
26 advised Dr. Gold that her speech could not be given at the prescribed location but instead permitted
27 her to go to the top of the steps on the east side of the Capitol Building. The Plaintiff ultimately
28

1 followed a group of people up to the Capitol Building steps, and was then pushed by the crowd
2 through the Capitol Building's open doors. She broke no doors or windows, she assaulted no one,
3 she did not throw any object or otherwise endanger any person. Plaintiff did deliver an approximate
4 four-minute speech (twice) to several hundred observers in the public area of the Capitol Building
5 and then promptly left the building when requested to do so.
6

7 13. Despite the peaceful nature of Plaintiff's presence on January 6th at the U.S. Capitol,
8 Plaintiff pled guilty to a misdemeanor trespass, avoiding what would have been years long litigation
9 and an untold expenditure of funds. Of cardinal importance in this case is the circumstance that Dr.
10 Gold's entering the Capitol Building did not result in a conviction of a misdemeanor conviction
11 substantially related to the qualifications, functions or duties of a physician and surgeon. Instead,
12 the Plaintiff spoke as a citizen regarding her opinion of the actions being taken by various arms of
13 the government in connection with the Covid-19 lockdowns, nothing more.
14

15 14. As alleged in detail herein, never before had CMB pursued an Accusation (regardless
16 of the proposed sanction) for a misdemeanor trespass conviction. This situation had not occurred
17 because the governing regulatory guidance did not—and never had—allowed it. CMB failed, at the
18 direction of Lawson, and her successor Director of the CMB, Reji Varghese (hereinafter
19 “Varghese”) as a matter of law, to prove either Cause of Action in the Accusation. The great weight
20 of medical information has further validated Dr. Gold's advocacy for providing *more* medical
21 information to the public, as the grisly results of the Covid-19 vaccines continue to mount, and Dr.
22 Gold's misdemeanor conviction was pardoned. But there was ample awareness prior to filing the
23 Complaint in this matter in October of 2023, that the objective of the Defendants' conduct was to
24 unconstitutionally silence and punish Dr. Gold.
25

26 15. Dr. Gold was set for hearing before the California Medical Board under Accusation
27 # 800 2021 074424 pertaining to the information she had provided the public relating to FDA
28

1 approved medications to treat Covid-19, her presence at the Capitol Building, and Medical Freedom
2 Speech made on January 6, 2021. Her hearing lasted for three days between November 13, 2023
3 and November 15, 2023 before Judge Abraham Levy of the Office of Administrative Hearings
4 (“OAH”).

5
6 16. When Motions in Limine were filed by the CMB days prior the OAH hearing, for the
7 first time, the CMB took the position that Dr. Gold should not be able to have any expert witness
8 testify on her behalf with respect to the efficacy of the FDA approved drugs she had spoken about
9 in various speeches for the treatment of Covid-19, because the CMB had decided not to pursue Dr.
10 Gold on the grounds of her medical advice and/or speeches, but would rather solely focus on her
11 presence and speech at the U.S. Capitol on January 6, 2021. On this basis, Judge Levy granted the
12 CMB’s Motions in Limine, excluding Dr. Gold’s Medical Experts from discussing the health-
13 related nuances of the accusations she was faced with.
14

15 17. Dr. Gold’s attorneys and experts had been forced to prepare for all of the possibilities
16 that could arise at the OAH hearing, including medical experts testifying on behalf of the CMB who
17 would likely attempt to discount Dr. Gold’s protected speech with respect to safe, alternative
18 treatments for Covid-19. Had the CMB only communicated that it did not intend to pursue Dr. Gold
19 on the basis of her medical opinions a year or more prior to the hearing, then so many resources,
20 time and funds could have been reserved.
21

22 18. In his ruling, Judge Abraham Levy determined that Dr. Gold’s conduct had *not* risen
23 to the level of requiring any suspension, revocation or probation pertaining to her medical license,
24 however, he concurrently took the position that Dr. Gold’s presence at the U.S. Capital on January
25 6, 2021 was substantially related to the duties, functions and qualifications of a medical doctor and
26 surgeon. (See Exhibit “J” hereto). In part, this decision was made in reliance upon the CMB’s
27 contention, based on Dr. Gold’s Statement of Offense, which later turned out to be of “questionable
28

1 accuracy”, that Dr. Gold did not stop to help a fallen Capitol Police Officer. (OAH Decision). Based
2 on this premise, Judge Levy ordered Dr. Gold to attend a medical ethics course, and pay a fine for
3 half of the CMB’s costs in investigating and prosecuting her case, amounting to approximately
4 \$27,000.00. In addition, he ordered that Dr. Gold would be publicly reprimanded by the CMB.

5
6 19. Subsequently, Dr. Gold filed a Writ of Mandate in San Diego County Superior Court
7 under Case # 37-2024-00014174-CU-WM-CTL seeking to overturn the decision of the OAH.

8 20. On November 8, 2024 the hearing on the Writ of Mandate went forward before the
9 Honorable Michael T. Smyth.

10 21. In his Decision on the Writ of Mandate, dated January 15, 2025, (hereinafter the
11 “Decision”) Judge Smyth stated, “As the Court acknowledged during the hearing, other evidence
12 seems to contradict the portion of the Statement of Offense that states, “Directly in front of Dr.
13 Gold...a law enforcement officer was assaulted and dragged to the ground.” Despite having
14 admitted to this fact in the Statement of Offense, Petitioner at the administrative hearing presented
15 testimony and video evidence seeming to show that the officer in question collapsed for some
16 reason other than assault and was helped to his feet by other protestors and at least one fellow
17 officer. There was some evidence presented suggesting the officer may have passed out after some
18 sort of pepper spray was released in the vicinity. In any event, there is ambiguity with respect to
19 what actually occurred “directly in front of” Petitioner. The Court finds this portion of the factual
20 basis to be of significance.....Because this specific portion of the Statement of Offense is of
21 questionable accuracy, this Court gives it limited weight.” (Decision at 8: 13-25.)

22
23
24 22. Further, Judge Smyth determined, “Here, unlike in *Griffith* and the cases cited, there
25 is not a clear or substantial nexus between Petitioner’s conduct on January 6, 2021, and her
26 qualifications, functions, and duties as a physician...Unlike in *Griffith*, these actions or inactions
27 essentially constitute a single course of action and not several discrete, temporally distant, unrelated
28

1 instances of poor judgment as was the case in Griffith. In addition, neither the crime nor the
2 underlying conduct qualifies as a moral turpitude offense, nor do they implicate Petitioner's special
3 knowledge as a physician. And finally, it was not repeated and distinct violations of the law for
4 which Petitioner was convicted, but one violation. Unlike Griffith, it cannot be said that Petitioner
5 as demonstrated an inability or unwillingness to follow the law..." (Decision at 11: 12-27).
6

7 23. Judge Smyth found in his Decision that, "Petitioner was not convicted of a crime
8 substantially related to her qualifications, functions or duties as a Physician." He further determined
9 that the CMB had "failed to show by either a preponderance or clear and convincing evidence that
10 Petitioner was convicted of a crime substantially related to the qualifications, functions, or duties of
11 a physician and surgeon pursuant to Business and Professions Code §§ 2227, 2234(a) and 2236 due
12 to her conviction for entering and remaining in a restricted area....The Medical Board's Public
13 Reprimand of Petitioner and its requirement that she take a medical ethics course are
14 vacated....Costs are awarded to Petitioner as the prevailing party." (Decision at 12.1-13).
15

16 24. After Dr. Gold had spent hundreds of thousands in defending her position against the
17 CMB, which was acting at all times under the direction of Lawson and Varghese, a Peremptory
18 Writ of Mandate was issued by the San Diego County Superior Court on July 16, 2025 commanding
19 the CMB to set aside its Decision in Case No. 800-2021-074424, which became effective on
20 February 2, 2024, consistent with this Court's attached January 15, 2025 Judgment, granting the
21 Petition for Writ of Mandate on file herein. (See Exhibit "K" hereto).
22

23 25. Dr. Gold brings this action with the understanding that many, if not the vast majority
24 of medical doctors will never have the financial resources that she possessed in order to oppose the
25 CMB's attacks upon them, and therefore brings this Action in part to vindicate and give hope to
26 those physicians whose voices have been silenced by the ever-present fear of the CMB's iron hand.
27 Moreover, by way of this suit, Dr. Gold intends to make it apparent that when the CMB acts on a
28

1 motivation to punish those with whom it disagrees, as opposed to with the intention of facilitating
2 healthy relationships between doctors and patients, and good health outcomes for the public, they
3 will not be immune to consequences- or judgment, for those decisions.

4 **JURISDICTION**

5
6 26. This Court has federal question jurisdiction under 28 U.S.C. §1331 and § 42 U.S.C.
7 section 1983, because the federal law claims arise under the Constitution and statutes of the United
8 States.

9 27. Venue is proper in this District under 28 U.S.C. section 1391(b)(1) and (2) because
10 Plaintiff Simone M. Gold, M.D. has purposefully availed herself to jurisdiction in this District, and
11 Defendants are sued both in their official and individual capacities, however, all Defendants list
12 their place of business in Sacramento, California, within the Eastern District of California's
13 jurisdiction.
14

15 28. This Court may issue a declaratory judgment and grant injunctive relief pursuant to
16 28 U.S.C. 2201-2202. Defendants Reji Varghese and Kristina Lawson are sued in their official
17 capacities for declaratory and injunctive relief as set forth herein and as permitted under the
18 decision set forth in *Ex Parte Young* (209 U.S. 123) 1908.

19 29. This Court may award monetary damages against Defendants Reji Varghese and
20 Kristina Lawson in their individual capacities for their wrongful actions, taken under color of law
21 against Dr. Gold as described herein, given that they are considered "persons" under 42 U.S.C.
22 section 1983 and eleventh amendment immunity does not extend to them in their individual
23 capacities.
24

25 **PARTIES**

26 30. Plaintiff Simone M. Gold, M.D. was, at all relevant times of the facts complained of
27 herein, a resident of California and is currently licensed as a physician and surgeon by the
28

1 California Medical Board (hereinafter “Board” with Physician’s and Surgeon’s Certificate No.
2 G70224.)

3 31. Defendant Kristina Lawson was the President of the California Medical Board when
4 the CMB determined, at her direction, to initiate multiple investigations into Dr. Gold’s protected
5 speech, and file an Accusation against her seeking the revocation and/or suspension of her medical
6 license. Kristina Lawson remained the President of the CMB until June 23, 2023, when Reji
7 Varghese became the President of the CMB Subsequently, in May of 2024, Kristina Lawson once
8 again became the President of the CMB. Lawson is not a medical doctor. She is an attorney
9 currently practicing at the Hanson Bridgett firm in San Francisco and Walnut Creek California. She
10 is sued in her official capacity for declaratory relief as set forth below, and her individual capacity,
11 for acting under color of law in causing Plaintiff monetary damages as described herein. Her official
12 address with the CMB is: 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815.
13
14

15 32. Reji Varghese became the President of the California Medical Board on or about
16 June 23, 2023, and was responsible for signing the CMB’s Accusation against Dr. Gold. He
17 continued the unwarranted prosecution of Dr. Gold as Lawson’s successor, until he was replaced by
18 Randy Hawkins as President of the CMB in approximately August of 2023. Subsequently, in May
19 of 2024, Kristina Lawson once again became the President of the CMB. Reji Varghese is sued in his
20 official capacity for declaratory relief as set forth below, and his individual capacity for monetary
21 damages, given that he acted under color of law in wrongfully prosecuting Dr. Gold. His official
22 address with the CMB is listed at: 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815. He is
23 added as a Defendant in this matter pursuant to Fed. R. Civ. Proc. 15(C)(1)(B) and 15(C)(1)(C)
24 given that the addition of him as a Defendant relates back to the original filing of the Plaintiff’s
25 Complaint.
26
27
28

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

STATEMENT OF FACTS

34. Plaintiff, SIMONE M. GOLD, M.D., was an emergency room (“ER”) physician employed at Adventist Hospital in Bakersfield, California, in early 2020 when the Covid-19 pandemic first surfaced in the United States. No “vaccine” against Covid-19 had been invented at that time. As an ER physician, her job was to assess and treat patients on an emergency basis, including patients with Covid-19. Given that there was no known treatment for Covid-19 when it was first detected in California, Dr. Gold treated her patients utilizing both her experience as a physician, as well as the medical knowledge gained from her research and observing how Covid-19 affected patients.¹ In approximately March of 2020, Dr. Gold began treating patients admitted to the Adventist Hospital’s Emergency Room with a drug fully approved decades earlier by the FDA known as Hydroxychloroquine (“HCQ”). As a well-educated and experienced physician, Gold knew that since HCQ was first approved by the FDA sixty-five years ago, it had established an excellent safety profile.

A. USE OF HYDROXYCHLOROQUINE TO EFFECTIVELY TREAT COVID-19

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

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

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

7
8 37. Determined to save her patients in the face of a novel threat, when HCQ was
9 administered to her patients she observed their symptoms lessened, breathing became easier, and the
10 patient treated using HCQ was discharged from the hospital in a condition much improved when
11 compared against their status upon admission. Based on repeated successful results from the early
12 use of HCQ—and the lengthy record of safety using HCQ, Dr. Gold was determined to provide life-
13 saving care to her patients using HCQ for the early treatment of Covid-19. Her conduct exemplified
14 the highest standards of fidelity to the Hippocratic Oath as required to continue as a physician
15 licensed to practice medicine in California.

16
17 38. In May of 2020, Gold was confronted by Adventist Hospital's Staff about the use of
18 HCQ. They instructed her that she was prohibited from prescribing or administering HCQ to any
19 patient admitted to Adventist Hospital for the treatment of Covid-19, notwithstanding HCQ was a
20 fully FDA approved drug with a decades-long record of safety, and she had seen numerous patients
21 with Covid-19 successfully treated with HCQ. Instead, Dr. Gold was directed to follow a protocol
22 for Covid-19 patients using a drug known as Remdesivir. And then, if the patient did not improve,
23 but went into respiratory failure, they were to be put on ventilators.

24
25 39. Remdesivir's nickname is "Run Death Is Near" because it has an extraordinarily
26 high rate of serious harmful effects including kidney failure and even death. Dr. Gold also
27
28

1 understood that once a hospitalized patient was put on a ventilator, their chances of coming off the
2 ventilator and living to see outside the walls of the hospital were materially reduced.

3 40. Accordingly, Gold confronted hospital management with her concerns, demanding
4 that she be permitted to provide life-saving medication to her patients. Her request was immediately
5 denied. She was eventually terminated from her position for refusing to comply with Adventist
6 Hospital’s protocols for Covid-19 patients. If followed, these treatment protocols enforced by the
7 CMB would substantially increase the risk of *avoidable* patient deaths or permanent damage to their
8 health.
9

10 41. At or near this same time, Gold created and founded America’s Frontline Doctors, a
11 non-profit organization dedicated to providing, “We The People with independent information from
12 the world’s top experts in medicine and law so [the public] can be empowered with facts, protect
13 [their] health, and exert [their] inalienable and Constitutionally guaranteed rights.”²
14

15 42. In this position, Dr. Gold began giving speeches calling attention to the public health
16 policy debacle unfolding across the country and what could be done to avoid associated bad
17 outcomes resulting from this disastrous public health policy. In July of 2020, at her first annual
18 “White Coat Summit” in Washington D.C., Dr. Gold gave a speech in which she explained her
19 experience as an ER physician. A video of the speech went “viral” and received over 30 million
20 views. Dr. Gold’s and America’s Frontline Doctors’ popularity surged, ostensibly causing a
21 substantial group of pharmaceutical companies—who stood to profit from selling “novel”
22

23
24
25 ² There are 2,000 physicians and allied health professionals affiliated with AFLDS. There are more than one
26 million supporters/subscribers.
27
28

1 treatments for Covid-19—to harbor concerns about Gold’s continued ability to influence public
2 opinion on the topic.

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

9
10 44. As further proof of the *bona fide* accuracy of the medical information available from
11 America’s Frontline Doctors, within hours of going online, Dr. Gold’s and America’s Frontline
12 Doctors’ speeches in July of 2020 were censored by YouTube, Facebook and other social media
13 outlets. Rather than act with integrity in the face of the mounting evidence of HCQ and IVM’s
14 effectiveness treating Covid-19 in its early stages, the CMB violated its statutory mandate for
15 protecting the public in two ways: (i) by concealing the truth about the effectiveness of the Covid-
16 19 treatment protocols advocated at the White Coat Summit and by AFLDS physicians, and (ii)
17 touting the effectiveness of unproven and dangerous drugs such as Remdesivir.

18
19 45. Notably, the CMB has never identified a false statement or claim made by Dr. Gold
20 regarding considering the use of HCQ or IVM. Indeed, Dr. Gold’s public comments on this topic
21 have been proven accurate and within the range of widely held medical opinions by her professional
22 peers.

23
24 **B. CMB RECKLESSLY REQUIRES USE OF REMDESIVIR**

25 46. In 2021, hundreds of thousands of Americans were hospitalized with Covid-19. The
26 vast majority were given the “industry standard” treatment. They were told to remain at home until
27 they were having trouble breathing and/or their “lips turned blue” at which point they were to come
28

1 into the Emergency Room. Once admitted to the hospital or emergency room, already deprived of
2 adequate oxygen, the patients were generally provided with Remdesivir,³ which had recently been
3 approved for use against Covid-19 under an Emergency Use Authorization (“EUA”). If, and when,
4 the patients’ oxygen saturation levels continued to deteriorate, they would then be placed on
5 ventilators. Thousands of patients ultimately died following this treatment pattern. This public
6 health policy was adopted and enforced by the CMB. However, it was a colossal failure and
7 resulted in thousands of Californian residents and families suffering avoidable deaths and
8 permanent damage by undergoing this treatment protocol.

10 47. As background, Remdesivir initially went through clinical trials prior to the Covid-
11 19 pandemic in order to determine whether it could successfully treat Ebola patients. However, six
12 months into the Ebola study, Remdesivir was pulled from the study because it was so dangerous.
13 Within 28 days, subjects taking Remdesivir had lethal side effects, including multiple organ failure,
14 acute kidney failure, septic shock, hypotension, and 54% of the Remdesivir clinical trial group died.
15 This was the highest mortality rate of any of the four drugs being tested in the Ebola clinical trials.

17 48. Nevertheless, the FDA approved Remdesivir under an EUA to treat Covid-19
18 patients.⁴ Stated differently, although Remdesivir was too dangerous to even use as a treatment for
19 the highly lethal Ebola virus, it *did* receive EUA status to treat a virus the CDC stated had a 99.5-
20 99.997% recovery rate in untreated persons aged 0-70.

22 C. MANIPULATION OF “EMERGENCY USE AUTHORIZATION” PROCESS

23 49. The regulations concerning Emergency Use Authorization (“EUA”) require that “no
24 other treatment options” are available in order to allow EUA status to be granted. Thus, a drug
25 _____

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

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

1 granted EUA status represents a huge financial benefit for its manufacturer. But Remdesivir's
2 eligibility for Emergency Use Authorization was predicated on *ignoring* the determination of
3 numerous medical experts (including Dr. Gold) that safe and inexpensive drugs like HCQ and
4 IVM—both FDA approved—could effectively treat Covid-19 if administered in the early stages.

5 50. 21 U.S.C. section 360(b)(b)(b)(3)(c)(3) provides in relevant part as follows,
6
7 “The Secretary may issue an authorization under this section with respect to the emergency use of
8 a product only if, after consultation with the Assistant Secretary for Preparedness and Response, the
9 Director of the National Institutes of Health, and the Director of the Centers for Disease Control and
10 Prevention (to the extent feasible and appropriate given the applicable circumstances described in
11 subsection (b)(1)), *the Secretary concludes— 3) that there is no adequate, approved, and available*
12 *alternative to the product for diagnosing, preventing, or treating such disease or condition....”*

13
14 51. Given the statutory requirement that no “adequate, approved and available
15 alternative” exist in order for an Emergency Use Authorization to be issued, Dr. Gold’s advocacy
16 for investigating the use of HCQ and IVM in the early treatment of Covid-19 was at cross purposes
17 with the drug manufacturers’ financial objectives for seeking EUA authorizations. After all, if Dr.
18 Gold was right, they stood to lose billions when their EUA applications were not approved.

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

20
21 52. Understanding that the public should have a right to efficacious life-saving
22 information free of government interference obstructing accurate medical information from being
23 disseminated, Dr. Gold obtained a “Permit Relating to Demonstration Activities on United States
24 Capitol Grounds” SES # 20-12023, valid from 8 a.m. to 6 p.m. in order to give a speech in
25 Washington D.C. on January 6, 2021 (“January 6th”) in “Grassy Area 8” bounded by Constitution
26 Avenue, NE; First Street, NE; Northeast Drive and the East Front Plaza. She intended to make a
27 speech, (as she had done several times in the days leading up to January 6th in other locations and
28

1 intended to continue to do afterwards) about the denial of basic human rights and the government's
2 assault on the rule of law in her status as a mother and a lawyer exercising her right to free speech.

3 53. When Dr. Gold arrived on the Capitol grounds to make her pre-planned and
4 permitted speech, Capitol police informed her Grassy Area 8 was closed. Consequently, Dr. Gold
5 would not be permitted to make her speech at that location. Determined to make the speech she had
6 prepared, Dr. Gold received permission and stood on the top steps on the east side of the Capitol
7 Building and gave some of her speech to the peaceful crowd. Shortly thereafter, the Capitol police
8 sent a flash bang into the crowd which caused confusion. Next, the Capitol Building doors swung
9 open from the inside and Gold was swept into the Capitol Building along with hundreds (or
10 thousands) of other people. She did not break through any windows or doors, she did not throw any
11 objects, and she did not take any action other than to make an approximately four-minute-long
12 speech (twice) on the premises. All of her actions can be seen on publicly available closed circuit tv
13 videotape.
14

15
16 54. During her brief speech on January 6, 2021, Dr. Gold stated that her views were held
17 as a citizen and a mother of two. Her speech dealt exclusively with criticizing public policy issues
18 falling completely outside of the purview of the CMB—but within the mainstream of public
19 opinion. As a matter of law, it would be impossible to conclude that Dr. Gold's speech was related
20 in any manner—much less *substantially*—to the practice of medicine, or to the qualifications or
21 functions of a medical doctor.
22

23 55. After completing her speech and a brief, peaceful exchange with a Capitol
24 policeman, Dr. Gold left the Capitol Building. Shortly thereafter, when she arrived back home in the
25 Los Angeles area she was arrested and eventually pled guilty to a misdemeanor trespass charge
26
27
28

1 because she entered the Capitol Building to make her speech.⁵ During this time, Dr. Gold’s internet
2 presence continued to increase eventually making her a familiar face and household name
3 throughout large swaths of the United States on this topic.

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

5 56. In December of 2020, the first Covid-19 “vaccines” became available for use in the
6 United States. The public was bombarded with a steady stream of advertisements and reminders that
7 a new Covid-19 vaccine was in the process of being created and made available for distribution.
8 Again, (i) this new Covid-19 vaccine would only be available through an Emergency Use
9 Authorization; and (ii) the Emergency Use Authorization for Covid-19 Vaccinations would have
10 been *unlawful* if the determinations and expert opinions held by many recognized medical
11 professionals (including Dr. Gold) involving the efficacy of HCQ and IVM for treating Covid-19
12 were accepted. Such a finding would have proved devastating for the financial status of vaccine
13 manufacturers Pfizer, Moderna, and Johnson & Johnson seeking EUA status for their drugs.
14

15 57. These “vaccines” were touted as being 100% successful in preventing transmission
16 of Covid-19, associated illness, and death. Dr. Anthony Fauci, head of the United States National
17 Institute of Health (“NIH”) enthusiastically and repeatedly stated that they would stop COVID
18 transmission, prevent illness, and end the Covid-19 pandemic. Specific other influencers touting
19 100% effectiveness included Rochelle Walensky, Jen Psaki, Robert Redfield, Francis Collins, Peter
20 Hotez, Ashish Jha, Albert Bourla, Joseph Biden, Stephane Bancel, as well as the NY Times, WaPo,
21 USA Today, NBC, MSNBC, CNN, ABC, CBS, Fox News, BBC, The Guardian, Associated Press
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1 etc.⁶ Influencers (such as Dr. Gold) who disagreed with these assertions were censored. See
2 *Missouri v Biden*. (Case No. 3:22-CV-01213, (2023) West. Dist. of Louisiana).

3 58. These statements of COVID vaccine efficacy were false and recklessly made while
4 the associated dangers of the vaccines were being intentionally suppressed so that an uninformed
5 public could be misled into taking the vaccines without informed consent. As more people took the
6 Covid-19 shots, it became increasingly evident the vaccines did not stop transmission of Covid-19,
7 nor the illness or death Covid-19 caused. By March of 2022, the CDC published data showing the
8 majority of people getting Covid were vaccinated.⁷ It is now universally acknowledged that the
9 shots of the purported vaccine' don't stop the transmission of Covid-19. In response, many
10 jurisdictions (local, state, or other nations) have banned and/or discouraged taking the vaccine shots.
11

12 For example:

- 13 • The United Kingdom has reversed its position and now does not recommend the
14 shots under age 50 and has essentially banned the shots for children.^{8,9}
 - 15 • The nation of Denmark has essentially banned the shots for children.¹⁰
 - 16 • The nation of Sweden has essentially banned the shots for children.¹¹
 - 17 • The State of Florida recommends that males under the age of 39 not take the shots.¹²
- 18
19
20
21

22
23 ⁶ Video and headlines: <https://fast.wistia.net/embed/iframe/kvajklr8ro> and

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

25 ⁷ <https://www.kff.org/policy-watch/why-do-vaccinated-people-represent-most-covid-19-deaths-right-now/>

26 ⁸ <https://www.gov.uk/government/collections/covid-19-vaccination-programme>

27 ⁹ <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>

28 ¹⁰ <https://www.reuters.com/article/factcheck-coronavirus-denmark/fact-check-headline-that-claims-denmark-has-banned-covid-19-vaccines-for-children-is-misleading-idUSL1N2ZS0J8>

¹¹ <https://www.reuters.com/article/factcheck-europe-moderna/fact-check-some-european-countries-halted-moderna-covid-19-vaccines-for-young-people-idUSL1N2RE22K>

¹² <https://floridahealthcovid19.gov/wp-content/uploads/2022/10/20221007-guidance-mrna-covid19-vaccines-doc.pdf>

- As to the Moderna vaccine, Sweden, Denmark, Finland, and Iceland have essentially banned the Moderna shot;¹³ Germany and France have severely restricted the Moderna shot.¹⁴
- In May of 2025, Secretary Robert F. Kennedy Jr. announced that COVID-19 vaccines were removed from the CDC's recommended immunization schedule for healthy children and pregnant women in the United States.

59. As an increasing number of people were treated by 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 proportionally resulted.^{15, 16, 17, 18, 19} 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.

60. Thousands of physicians agreed with Dr. Gold's medical opinions. 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.^{20, 21, 22, 23, 24}

¹³ <https://www.reuters.com/article/factcheck-europe-moderna/fact-check-some-european-countries-halted-moderna-covid-19-vaccines-for-young-people-idUSL1N2RE22K>

¹⁴ <https://www.forbes.com/sites/roberthart/2021/11/10/germany-france-restrict-modernas-covid-vaccine-for-under-30s-over-rare-heart-risk-despite-surging-cases/?sh=445168962a8a>

¹⁵ <https://www.washingtonpost.com/health/2020/04/22/coronavirus-ventilators-survival/>

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7590821/>

¹⁷ <https://www.nbcnews.com/health/health-news/why-some-doctors-are-moving-away-ventilators-virus-patients-n1179986>

¹⁸ <https://www.statnews.com/2020/04/08/doctors-say-ventilators-overused-for-covid-19/>

¹⁹ <https://time.com/5820556/ventilators-covid-19/>

²⁰ <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Risch-2020-11-19.pdf>

²¹ <https://pubmed.ncbi.nlm.nih.gov/32458969/>

²² https://www.legis.state.pa.us/WU01/LI/TR/Transcripts/2021_0179_0011_TSTMNY.pdf

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

2 61. On December 22, 2021, on information and belief, under the direction of Kristina
3 Lawson, the CMB's President at the time, the CMB sent Dr. Gold correspondence under Control
4 No.: 800-2021-083678 stating, "The Medical Board of California (Board) is in receipt of a
5 complaint. Pursuant to Section 800(c) of the Business and Professions Code, we are providing a
6 summary of the complaint filed against you. The Complaint alleges as follows: Dr Gold misleads
7 and lies about Hydroxychloroquine ("Hydroxychloroquine"), Ivermectin, contagious COVID,
8 masks, and vaccine." The letter, attached hereto as Exhibit "A" ominously explained that if a
9 response was not received by January 5, 2022, "further action could be taken by this agency."
10

11 62. Dr. Gold did respond to these allegations and the CMB did not appear to take further
12 action for a period of months during its "investigation" of Dr. Gold. It was later *determined that no*
13 *patient complaints against Dr. Gold had been submitted to the CMB.* Instead, progressive political
14 front organizations who may also be supported by government-backed institutions wrote to the
15 CMB, complaining about things they had allegedly heard or seen Dr. Gold say on TV or on the
16 internet.²⁵
17

18 63. On or about April 1, 2022, Dr. Gold tweeted to her approximately 400,000
19 "followers" the following tweet aimed at CMB President Lawson, "You have abused your position
20 and enabled the threatening of physician's licenses if they did not comply with your coercive
21 demands. This substantial corruption of public office has been exposed, and you should resign from
22

23
24 ²³ <https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/Testimony-Kory-2020-12-08.pdf>

25 ²⁴ [https://www.amjmed.com/article/S0002-9343\(20\)30673-2/fulltext](https://www.amjmed.com/article/S0002-9343(20)30673-2/fulltext)

26 ²⁵ "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 the California Medical Board, effective immediately.” Lawson responded by explaining that she
2 was grateful that the governor had appointed her to her position. Gold then wrote, “Kristina
3 Lawson, President of the California Medical Board, can’t answer simple questions from a physician
4 about her offices’ attacks...her corruption is rampant.” (See Exhibit “B” attached hereto.) Lawson’s
5 retaliatory behavior began almost immediately thereafter.
6

7 64. On June 10, 2022, Dr. Gold appeared at her sentencing hearing for misdemeanor
8 trespass in the United States District Court for the District of Columbia before the Hon. Christopher
9 Cooper. It was during the hearing when she learned that Kristina Lawson, identifying herself as the
10 President of the CMB, had written a letter to Judge Cooper claiming, among other reckless
11 prejudicial comments, “[Dr. Gold] continues to seek to undermine public officials and the role of
12 our government as she did with her participation in the violent insurrection on January 6, 2021.”
13 Lawson further described a “group of men” who she believed “followed” her at the “behest” of Dr.
14 Gold. The letter was brimming with unrelenting *ad hominem* vitriol against Dr. Gold, on a very
15 personal level, making it clear that Lawson held a personal grudge against Dr. Gold. (See Exhibit
16 “C” attached hereto.)
17

18 65. Within this June 10, 2022 letter to Dr. Gold’s sentencing judge, Lawson inaccurately
19 blamed Dr. Gold for a ‘group of men’ who attempted to ask Lawson questions in a public parking
20 garage. (See Exhibit “F” hereto). Dr. Gold wasn’t present during this encounter, nor was she behind
21 any attempt to meet Lawson in person to question her. This was a completely legal and non-
22 threatening encounter. Nevertheless, Lawson never clarified that it was a doctor-journalist who in
23 fact did question her in a public parking garage. Instead, and without any evidence, Lawson
24 publicly blamed Dr. Gold for this event and misrepresented the tone of the interaction in her letter
25 to the sentencing judge necessarily to prejudice him to impose a harsher sentence on Dr. Gold.
26
27
28

1 66. During her June 10, 2022, sentencing hearing, the transcript records Judge Cooper
2 pointedly asking, “I’m sorry, out of curiosity, is a misdemeanor conviction a ground to rescind
3 anyone’s medical license anywhere in the country?” Dr. Gold’s attorney responded, “I don’t believe
4 it is.” Judge Cooper then made the following observation, “If it doesn’t involve patient care? the
5 statute speaks for itself. The statement of facts speaks for itself regardless of what label you put on
6 the statute.... Those bodies will now have the benefit of the transcript of this proceeding.”
7 Following the June 10, 2022, sentencing hearing, Dr. Gold served her sixty-day sentence on the
8 misdemeanor trespass beginning on July 26, 2022. The CMB received notice of Dr. Gold’s release
9 on or about October 28, 2022.²⁶

11 67. On January 30, 2023, the Medical Board of California filed an Accusation Against
12 Dr. Gold in Case No. 800-2021-074424. The factual allegations asserted that, “In or around January
13 2021, Respondent, a founder of America’s Frontline Doctors, was giving public speeches on Covid-
14 19 related lockdowns, Covid-19 Vaccinations, and the use of ivermectin and hydroxychloroquine as
15 potential treatments.” (hereinafter “Accusation” and attached hereto as Exhibit “D” at ¶ 11.) The
16 Accusation further stated, “On or about March 3, 2022, in United States District Court for the
17 District of Columbia Case No. 21-CR-85-2, [Dr. Gold] pled guilty to the aforementioned
18 (trespassing) charge.” [Title 18, U.S.C. section 1752(a)(1)].

20 68. The Accusation alleged two causes of action for discipline against Dr. Gold: 1)
21 Conviction of a Crime Substantially Related to the Qualifications, Functions, or Duties of a
22 Physician and Surgeon; and 2) General Unprofessional Conduct. However, the only evidence
23

26 ²⁶ Even though Dr. Gold’s misdemeanor conviction was the subject of a pardon by President Trump, as Judge Cooper
27 observed, the underling was not a statutorily permissible basis for the CMB to pursue the Accusation against Dr. Gold.
28

1 introduced by CMB on both causes of action was the judgment of the single misdemeanor
2 conviction. A hearing on the Accusation was held on November 13-15, 2023 as set forth above..

3 69. While the Accusation hearing was pending, on or about August 10, 2023, Dr. Gold
4 received three separate communications from the California Board. The first pertained to Control #
5 8002021074171, the second to Control # 8002020069472, and the third to Control #
6 8002021080307. Each contained the same message: "This is to advise you that the Medical Board
7 of California has concluded its investigation of the above complaint(s) received against you. No
8 further action is anticipated at this time and the complaint file has been closed. Thank you for your
9 cooperation in this matter." (See Exhibit "E" hereto.). Dr. Gold was never made aware that the
10 CMB was investigating anything under any of the three "Control" numbers provided above.
11 According to the CMB's own standards, "Details of the complaint and investigation remain
12 confidential and are not public record; however, the complaint must be discussed with the
13 physician." As further evidence of its bias against Dr. Gold, the CMB failed to discuss with, or
14 disclose to, any of these complaints involving Dr. Gold as required by law.²⁷

17 70. Dr. Gold's historic and unprecedented criticism of Lawson and the CMB for being
18 corrupt, abusing the CMB's authority by its *ultra vires* acts engaging in the practice of medicine and
19 enforcement of disastrous health policy that caused great harm to Californians, proved to be well
20 founded on all aspects. The CMB compounded its original violations of Dr. Gold's rights by
21 engaging in an historic abuse of its disciplinary power, bringing two unsupported charges against
22 her license solely based on a misdemeanor conviction *not* substantially related to the qualifications
23 and functions of a licensed physician and surgeon.

26 ²⁷ See "Questions and Answers About Investigations" by the Medical Board of California, available at:
27 <https://www.mbc.ca.gov/Download/Brochures/investigations-brochure-english.pdf>
28

G. CMB DISREGARDS OF CONFLICT OF INTEREST RULES – GOVT. CODE 11512(C)

71. In June of 2023, counsel for Dr. Gold contacted Christine Rhee, who had previously held herself out as attorney for the California Medical Board, and subsequently, for Reji Varghese, in his Official Capacity as Deputy Director of the Medical Board, in order to inform her that CMB President Lawson must recuse herself, (and all other CMB Board members who may have had their perception of Dr. Gold tainted by Lawson), from making any decision related to any potential action adverse to Dr. Gold's license to practice medicine.

72. On information and belief, on or about June 23, 2023, Varghese became the new President of the CMB. Lawson continued on with a position on the Board of Directors for the CMB and then, Lawson once again became President of the CMB on or about May 24, 2025.

73. In an attempt at complete transparency, Counsel for Dr. Gold provided Lawson's correspondence to Judge Cooper ("Exh. E") to Ms. Rhee. The correspondence from Lawson was dismissed by Ms. Rhee who claimed CMB President Lawson would not be making decisions about Dr. Gold's proceeding and none of the other Board members even knew about Lawson's letter to Judge Cooper. Consequently, she refused to facilitate removing the conflicted CMB's Board member from making decisions involving the results of Dr. Gold's November hearing. (See Exhibit "E" hereto).

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

75. Since Dr. Gold had not been provided with any address or contact information by Ms. Rhee, with the exception of Ms. Rhee's own address, Dr. Gold executed an affidavit, attached

1 hereto as Exhibit “G” setting forth the reasons for which Lawson should be disqualified, and not be
2 permitted to exercise any further power over Dr. Gold’s medical license. She submitted the same to
3 Robert Bonta, Attorney General of California on or about September 13, 2023, with a copy to Ms.
4 Rhee. To date, no responses have been received to any correspondence identified above.

5
6 76. As the unfairness of the CMB proceeding continued to manifest itself, Plaintiff filed
7 Government Tort Claims under the California Tort Claims Act (Government Code §§ 810-996.6)
8 with the Counties of Los Angeles, Sacramento, San Diego, and the State of California. On July 24,
9 2023, the County of Sacramento provided reference claim # L2300877-0001 and explained that the
10 claim would be forwarded to Sacramento County’s Third-Party Liability Claims Administrator. The
11 County of Los Angeles assigned File Number 23-4418540*001 to the claim and rejected it as of
12 July 18, 2023. The County of San Diego assigned File Number 230464 and explained that it
13 rejected the claim on July 25, 2023. The State of California, which has yet to provide a denial,
14 although the 45-day statutory deadline has passed as of the date of the instant filing.
15

16 77. On or about October 17, 2023, counsel for the CMB wrote to counsel for Dr. Gold,
17 explaining that the CMB “may or may not” call the one witness it had identified, Jillian Alexander,
18 to testify at the CMB Hearing. This was in bad faith as the Accusation required Dr. Gold to expend
19 substantial sums to prepare expert witnesses to address the claims in the Accusation regarding the
20 lack of nexus between the misdemeanor trespass conviction and whether this was “substantially
21 related to the qualifications, functions and duties of a physician and surgeon.”
22

23 **H. RECOGNITION OF HARM FROM COVID-19 VACCINES**

24 78. As of August 20, 2023, it was determined that the vast majority of those who died or
25 got ill from Covid-19 were those who had taken the Covid-19 vaccine. In fact, a Cleveland Clinic
26 study of more than 51,000 employees showed an undeniable correlation between persons taking the
27 shots and their incidence of contracting Covid: “The higher the number of vaccines previously
28

1 received, the higher the risk of contracting Covid-19.”²⁸ The Kaiser Family Foundation reported the
2 CDC data that the Covid death rate of the vaccinated is *increasing* over time compared to the
3 unvaccinated and it is *not* explained by higher vaccination rates overall. “[T]he rising share of the
4 population that is vaccinated ... does not seem to explain away all of the rise in the share of deaths
5 that are among vaccinated people over the last year. ... the share of people dying who were
6 vaccinated has risen more steeply...By April 2022, the United States Centers for Disease Control
7 and Prevention (CDC) data show[ed] that about 6 in 10 adults dying of COVID-19 were vaccinated
8 or boosted...”²⁹ The most recent data from 17 countries confirms that the shots increase the chance
9 of death.³⁰ After analyzing mortality data, the researchers discovered a mean “all-ages fatal toxicity
10 by injection of one death per 800 injections across all ages and countries.” This correlates to 17
11 million COVID-19 vaccine related deaths from 13.25 billion injections as of September 2, 2023.
12 “There is no evidence in the hard data ... of a beneficial effect from the COVID-19 vaccine. No
13 lives were saved. On the contrary, the evidence can be understood in terms of being subjected to a
14 toxic substance. ... This would correspond to a mass iatrogenic event that killed 0.213% of the
15 world population (one death per 470 living persons) in less than three years.”
16
17

18 79. Also as of August 20, 2023, overwhelming data proved that IVM is incredibly
19 effective combatting Covid-19 in its early stages. There are now nearly 100 studies showing IVM
20 is extremely effective at lowering morbidity and mortality from Covid-19. Specifically, there are
21 99 studies from 1,089 scientists involving 137,255 patients in 28 countries and each study recorded
22 statistically significant improvement for mortality, ventilation, ICU, hospitalization, recovery, cases,
23
24
25

26 ²⁸ <https://www.medrxiv.org/content/10.1101/2022.12.17.22283625v1.full>

27 ²⁹ <https://www.kff.org/policy-watch/why-do-vaccinated-people-represent-most-covid-19-deaths-right-now/>

28 ³⁰ <https://correlation-canada.org/wp-content/uploads/2023/09/2023-09-17-Correlation-Covid-vaccine-mortality-Southern-Hemisphere-cor.pdf>

1 and viral clearance from early use of IVM. This includes 46 randomized controlled studies and 51
2 studies showing 49% lower mortality, and 62% lower risk from early treatment with IVM.

3 80. As alleged herein *passim*, the Accusation, as a matter of law, was facially defective
4 and meritless. Independently, the scientific information then available to the Defendants continued
5 to expand and thereby proved Dr. Gold’s criticisms of Lawson’s continued pursuit of the disastrous
6 Covid-19 policy was unerring. The Defendants, to shield themselves from public backlash for their
7 malfeasance, continued their maniacal obsession attacking and trying to stigmatize Dr. Gold.
8

9 81. While all this research was occurring and being published worldwide, the FDA
10 explicitly was telling the public to “Stop it” referring to the use of Ivermectin in treating Covid-19.
11 For example, the FDA infamously tweeted on August 21, 2021: “You are not a horse. You are not a
12 cow. Seriously, y’all. Stop it.”³¹ The U.S. Food and Drug Administration has been forced to retract
13 its public posture and affirm the law in federal court when the FDA counsel stated, “FDA explicitly
14 recognizes that doctors do have the authority to prescribe ivermectin to “treat Covid.” ³² As the
15 United States Court for the Fifth Circuit Court of Appeal recently explained in response to a lawsuit
16 brought by a group of physicians against the FDA, “FDA is not a physician. It has authority to
17 inform, announce, and apprise—but not to endorse, denounce, or advise. The Doctors have
18 plausibly alleged that FDA’s Posts fell on the wrong side of the line between telling about and
19 telling to. As such, the Doctors can use the APA to assert their ultra vires claims against the
20 Agencies and the Officials. Even tweet-sized doses of personalized medical advice are beyond
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26 ³¹ Statement by Ashley Cheung Honold, attorney for the FDA during oral argument on August 8, 2023 in the U.S. Court
27 of Appeals for the fifth Circuit.

28 ³² <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 FDA's statutory authority...."³³ However, the FDA still has not removed its disinformation
2 regarding IVM on FDA.gov.

3 82. Based on data available as of August 20, 2023, it was clear that if the message
4 containing medical truth from Dr. Gold (and many other qualified medical professionals) about the
5 benefit of early treatment of Covid-19 with FDA approved drugs such as HCQ and IVM had not
6 been so relentlessly suppressed, and her voice stifled by the various arms of government, including
7 the CMB, and if the protocols for Covid-19 treatment she and AFLDS advocated were
8 implemented on a national basis, then hundreds of thousands of Covid-19 deaths could have been
9 prevented. Undeterred by the truth, Lawson and CMB continued the unprecedented professional
10 attack and overall effort to stigmatize Dr. Gold and punish her for saying what was true, and what
11 she knew to be life-saving information for the effective treatment of Covid-19.
12

13
14 **I. CMB'S DERELICTION OF ITS STATUTORY MISSION AND AUTHORITY**

15 83. The Medical Board of California has the primary responsibility of licensing and
16 regulating physicians and surgeons and certain allied health care professionals. The Board's
17 authority and obligations are derived from the Medical Practice Act, (Cal. Business and Professions
18 Code §§ 2000-2029 et seq., hereinafter "MPA") which is composed of California statutes which
19 provides the CMB (among other functions) with the authority to investigate complaints and take
20 disciplinary action against physicians and surgeons and certain allied health care professionals.
21 These investigation and disciplinary functions are handled by the Board's "Enforcement Program".
22 The Department of Consumers Affairs (DCA) is the Medical Board of California's parent agency.
23

24 84. Under section 2001.1 of the MPA, "Protection of the public shall be the highest
25 priority for the Medical Board of California in exercising its licensing, regulatory, and disciplinary
26

27 ³³ See *Apter v. Dept. of Health & Human Services* (2023) USDC No. 3:22-CV-184.
28

1 functions. *Whenever the protection of the public is inconsistent with other interests sought to be*
2 *promoted, the protection of the public shall be paramount*” (emphasis supplied).

3 85. There are standards the Board of Directors, including but not limited to Lawson and
4 Varghese, for the California Medical Board must follow in discharging its statutory responsibilities
5 which provide important due process protections for licensees. In this regard, the CMB, and its
6 Board of Directors is bound by the most recent edition of the Medical Board of California’s Manual
7 of Model Disciplinary Orders and Guidelines is the 2016 12th edition (i.e., the Manual). According
8 to the Manual, it was produced by the CMB with a stated purpose of, “the intended use of those
9 involved in the physician disciplinary process: Administrative Law Judges, defense attorneys,
10 physician-respondents, trial attorneys from the Office of the Attorney General, and the Board’s
11 disciplinary panel members who review proposed decision and stipulations and make final
12 decisions...The Federation of State Medical Boards and other state Boards have requested and
13 received this manual. All are welcome to use and copy any part of this material for their own work.”

14 86. Page 2 of the Manual sets forth, “Consistent with the mandates of section 2229, these
15 guidelines set forth the discipline the Board finds appropriate and necessary for the identified
16 violations. In addition to protecting the public and, where not inconsistent, rehabilitating the
17 licensee, the Board finds that the imposition of the discipline set forth in the guidelines will promote
18 uniformity, certainty and fairness, and deterrence, and, in turn, further public protection.”

19 87. In particular, page 25 of the Manual sets forth the “recommended range of penalties”
20 for the conviction of a crime substantially related to the qualifications, functions or duties of a
21 physician and surgeon arising from or occurring during patient care, for the conviction of a felony
22 substantially related to the qualifications or duties of a physician and surgeon but not arising from
23 or occurring during patient care, and conviction of a misdemeanor conviction substantially related
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1 to the qualifications, functions or duties of a physician and surgeon but not arising from or
2 occurring during patient care.

3 88. Noticeably absent from the Manual is any “range of recommended penalties” for a
4 misdemeanor conviction that is *not* substantially related to the qualifications, functions or duties of
5 a physician and surgeon. In reliance on the maxim of statutory construction *expressio unius est*
6 *exclusio alterius*, the best inference to be drawn from *the* above omission is that the CMB never
7 intended to discipline physicians and surgeons for misdemeanor convictions not *substantially*
8 *related* to the qualifications, functions or duties of the same. Moreover, even where the Manual sets
9 forth the range of recommended penalties for misdemeanor crimes which *are* substantially related
10 to the qualifications, functions and duties of a physician and surgeon, they consist of: 1) community
11 service; 2) a professionalism (ethics) course; 3) medical evaluation and treatment; or 4) victim
12 restitution.
13

14
15 89. More evidence of Lawson’s and Varghese’s improper conduct and abuse of
16 discretion aimed at punishing Dr. Gold’s protected speech rights, contrary to the guidance in the
17 Manual, in the case at bar, the CMB, on information and belief at Lawson’s and Varghese’s
18 direction, offered Dr. Gold nearly the most severe recommendation possible: revocation of her
19 medical license, along with the conditional suspension of the revocation during a five-year
20 probationary period, among other stipulations. To highlight the egregious degree of the CMB’s
21 departure from its established guidelines, the following are examples of fact patterns when the
22 Board *has* recommended revocation of a medical license are provided: sexual assault of a minor
23 patient attempting to obtain treatment for sexual abuse, health care fraud in billing, and drunkenness
24 and/or being under the influence of drugs in the Operating Room. Recommending revocation of a
25 medical license based upon a misdemeanor trespass plea is such an extreme and unprecedented
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1 recommendation it constitutes *prima facie* evidence of a corrupt Board engaged in an *ultra vires* act
2 in violation of its own rules.

3 90. In addition to violating its published guidance, Lawson’s, Varghese’s and the CMB’s
4 attack on Dr. Gold is historically aberrant. From 1878 to the present, the entire 145-year history of
5 the California Medical Board, there is not a single recorded instance in which the California
6 Medical Board suspended or revoked any California Physician/Surgeon’s license for any period of
7 time for a misdemeanor trespass conviction. Therefore, there can be no pretense that this case is
8 about pursuing an appropriate sanction for a misdemeanor trespass conviction, but it is about
9 CMB’s misguided disagreement with the meritorious content of Dr. Gold’s speech.³⁴

11 91. On information and belief, Dr. Gold *is the first and only physician* who has ever had
12 any adverse action initiated against her license for a misdemeanor (trespass) not substantially
13 related to the practice of medicine. This unlawful action is neither a random outcome nor a
14 statistical quirk. It exposes Lawson’s Varghese’s and the CMB’s ulterior motives for pursuing Dr.
15 Gold because of her constitutionally protected political speech and social media comments critical
16 of CMB’s President Lawson, stating, to the effect that Lawson had “abused [her] position and
17 enabled the threatening of physicians’ licenses if they did not comply with your coercive demands”
18 to engage in medical practices harmful to members of the public at large diagnosed with Covid-19.
19 And that “[T]his substantial corruption of public office has been exposed, and you should resign
20 from the California Medical Board, effective immediately.” (See Exhibit C, page 3.)

23 **J. CONSTITUTIONAL PRINCIPLES AND PROTECTION OF FREE SPEECH**

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

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

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

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

22 96. The *Conant* court further noted that, “The doctor-patient privilege reflects “the
23 imperative need for confidence and trust” inherent in the doctor-patient relationship and recognizes
24 that “a physician must know all that a patient can articulate in order to identify and to treat disease;
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1 barriers to full disclosure would impair diagnosis and treatment.” (citing *Trammel v. United States*,
2 445 U.S. 40, 51, 100 S.Ct. 906, 63 L.Ed.2d 186 (1980).) *Conant v. Walters*, 309 F.3d 629, 636 (9th
3 Cir. 2002.) In a similar matter, *Kory V. Bonta*, (24-932), has been on administrative hold with the
4 U.S. Supreme Court since June of 2025 pending the U.S. Supreme Court decision in *Chiles v.*
5 *Salazer* (which is under advisement at this time).
6

7
8 **K. DEPRIVATION OF PLAINTIFF’S RIGHT TO DUE PROCESS BY THE CMB**
9 **AT THE DIRECTION OF LAWSON AND VARGHESE**

10 97. The Defendants, and each of them, acting on behalf of the state of California, may
11 not deprive a person of life, liberty, or property without due process of law. U.S. Const., 14th
12 Amend., § 1; Cal. Const., art. I, § 7
13

14 98. Plaintiff has a vested property interest in her license to practice medicine in the state
15 of California. (See *Smith v. Board of Medical Quality Assurance* (1988), 202 Cal. App. 3d at p.
16 326.) (“Unquestionably, a physician has a vested property right in his or her medical license, once
17 acquired.” (Ibid., citing *Berlinghieri v. Department of Motor Vehicles* (1983) 33 Cal.3d 392, 396
18 [188 Cal. Rptr. 891, 657 P.2d 383].)
19

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

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

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

4 101. There cannot be a “fair hearing” as the entire disciplinary proceeding attempts to
5 pursue revocation of Dr. Gold’s license under Cal. Business & Professions Code §2227 for a
6 misdemeanor violation not included in the Manual as conduct for which such punishment is
7 approved. And as explained below, ¶ 13 of the Accusation was facially insufficient to plausibly
8 allege the subject misdemeanor trespass violation is either (i) “substantially related to the
9 qualifications, functions, or duties of a physician and surgeon” as required by the First Cause of
10 Action of Discipline; or that it otherwise (ii) involves “moral turpitude” as required by the Second
11 Cause of Action of Discipline.
12

13 102. The CMB’s historic disregard of its own Model Disciplinary Rules under the
14 direction of Lawson and Varghese to pursue either Cause of Action for Discipline was initiated
15 without plausibly alleging aggravating conduct by Dr. Gold, so that a simple misdemeanor trespass
16 (by a physician with an unblemished record and without a single underlying patient complaint)
17 could violate either Section 2234 or 2236 of the Business & Professions Code. The Accusation’s
18 fatal flaw is not a random occurrence in the CMB’s pursuit of Dr. Gold; rather, it is a calculated
19 unlawful government action designed to stigmatize the Plaintiff. As alleged in detail herein, Dr.
20 Gold was critical of Lawson and the Board for dereliction of their “paramount” statutory duties
21 requiring protection of the public’s health. Instead, as Plaintiff publicly stated on numerous
22 occasions, Lawson and the CMB advanced the interests of the drug companies by enforcing the
23 disastrous Covid-19 treatment policies preventing the use of hydroxychloroquine and ivermectin,
24 and thus they were *de facto* complicit in the avoidable Covid-19 deaths and suffering of thousands
25 of Californians.
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1 103. Ultimately, Judge Smyth determined in his Decision on Dr. Gold’s Writ of Mandate
2 that not only was the credibility of the CMB’s evidence against Dr. Gold questionable, but that Dr.
3 Gold’s presence and speech at the U.S. Capitol on January 6, 2021 were not substantially related to
4 the functions, duties or qualifications of a physician and surgeon, and that therefore, the CMB had
5 no authority to penalize or discipline her in any respect. (See Exhibit “K” hereto).

7 104. Defendants Lawson, Varghese, and the CMB had a conflict of interest and could not,
8 as a matter of law, be impartial. Specifically, the Defendants had a compelling interest in punishing
9 and causing stigma to Dr. Gold for the purpose of damaging her credentials and professional
10 standing as a vocal critic of Lawson’s conduct leading the CMB to implement its disastrous health
11 policy. This motivation for the CMB’s action against Dr. Gold presented itself in the “Concurrence
12 in Senate Amendments” to AB 2098, (a since defunct legislative bill) where page 4 of the same
13 states, “America’s Frontline Doctors was founded by Dr. Simone Gold, who holds an active license
14 in California as a physician. Dr. Gold and her organization have vociferously promoted
15 hydroxychloroquine as a COVID-19 treatment...Despite what would appear to be repeated conduct
16 perpetrated by Dr. Gold involving the dissemination of false information regarding COVID-19, Dr.
17 Gold’s license remains active with the MBC and there appears to be no record of any disciplinary
18 actions taken against her. Given the air of legitimacy she sustains from her status as a licensed
19 physician, Dr. Gold likely serves as an illustrative example of the type of behavior that the author of
20 this bill seeks to unequivocally establish as constituting unprofessional conduct for physicians in
21 California.” The bill’s author, Assembly Member Evan Low, boasts close political ties to Gavin
22 Newsom, the California Governor who appointed Kristina Lawson to the CMB.³⁵ Thus, Defendant
23 Lawson had an additional motivation to continue to curry favor with, and show gratitude towards,
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27 ³⁵ <https://abc7news.com/evan-low-grindr-ca-recall-gavin-newsom/10999312/> last visited on October 17, 2023.
28

1 the Governor, whom she has publicly thanked for her appointment. There is an undeniable paper
2 trail connecting political benefits to CMB President Lawson from attacking Dr. Gold.³⁶

3 105. Further, the Accusation the CMB levied against Dr. Gold included two Causes that
4 are both predicated upon a single act. Under California Business and Professions Code section
5 2236, the CMB alleged Dr. Gold was convicted, “of an offense substantially related to the
6 qualifications, functions, or duties of a physician and surgeon” constituting “unprofessional
7 conduct” based on her misdemeanor trespass conviction. The CMB, on information and belief at
8 Lawson’s and Varghese’s direction, simultaneously accused Dr. Gold of violating California
9 Business and Professions Code section 2234, which states, “The board shall take action against any
10 licensee who is charged with unprofessional conduct. In addition to other provisions of this article,
11 unprofessional conduct includes, but is not limited to the following: (a) violating or attempting to
12 violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any
13 provision of this chapter; (b) gross negligence; (c) repeated negligent acts...(d) incompetence; (e)
14 the commission of any act involving dishonesty or corruption that is substantially related to the
15 qualifications, functions or duties of a physician and surgeon; (f) any action that would have
16 warranted the denial of a certificate; or (g) the failure by a certificate holder....to attend and
17 participate in an interview...” According to the language of the Accusation against Dr. Gold, the
18 CMB, acting in accordance with Lawson’s and Varghese’s directives, elected to pursue her under
19 subsection (e) of section 2234, based on the identical misdemeanor trespass violation exclusively
20 supporting the First Cause for Discipline pursued under section 2236.
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27 ³⁶ Governor Newsom signed AB 2098 on September 30, 2022. It temporarily took effect as of January 1, 2023 but was
28 immediately subjected to legal challenge. Accordingly, on October 1, 2023, Governor Newsom took action to repeal
this law.

1 106. In addition, even after the San Diego County Superior Court Judge found that Dr.
2 *Gold had not engaged in conduct substantially related to the functions, duties or qualifications of a*
3 *medical doctor* on January 6, 2021, along with her presidential pardon, the CMB, operating under
4 the direction of Lawson and Varghese, failed to remove Dr. Gold’s suspension notification from the
5 National Practitioner Data Bank (“NPDB”). This led to a series of delays in Dr. Gold’s business
6 plans that resulted in damage according to proof at trial. (See Exhibit “K”).

8 107. Dr. Gold was further harmed as a direct result of the CMB’s actions in that she was
9 forced to obtain numerous expert witnesses, prepare them for hearing, and have her attorneys
10 prepare for expert testimony and debate concerning the use of IVM and HCQ at the OAH Hearing,
11 given the express allegations in the Accusation against Dr. Gold. Yet, unbeknownst to Dr. Gold, at
12 the last minute prior to trial, the CMB changed its position in Motions in Limine, and claimed that
13 Dr. Gold’s experts should be precluded from testifying on the basis that they would only be
14 focusing on the incidents of January 6, 2021.

16 108. Thus, Dr. Gold was required to spend a small fortune to prepare for an attack on her
17 medical opinions pertaining to alternative Covid-19 treatments, when Lawson, Varghese, and the
18 CMB knew all along that it would change course right before hearing, causing an immense and
19 unnecessary loss of both time, resources and funds for Dr. Gold.

21 109. Medical censorship is about more than physicians’ and scientists’ free speech rights: it
22 is also about the public’s fundamental right to informed consent. The CMB is working against the
23 public interest when it engages in medical censorship. Dr. Gold was not advocating a specific
24 course of action for any specific patient. She was broadly informing the public of published
25 scientific facts and opinions.

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

1 110. Based on Dr. Gold’s guilty plea to a misdemeanor trespass charge, the Accusation
2 asserted: Causes of Action for Discipline for violation of Cal. Business and Professions Code
3 Section 2236 (Conviction of a Crime Substantially Related to the Qualifications, Functions, or
4 Duties of a Physician and Surgeon) and a second Cause of Action for Discipline is asserted for an
5 unspecified violation of Section 2234 (General Unprofessional Conduct). See Accusation at ¶¶ 20-
6 21, respectively. However, the only justification the Defendants proffered to warrant an abridgment
7 of Plaintiff’s medical license is in the Accusation at ¶ 13, which alleges, “.... [Dr. Gold] gave a
8 speech in the Statuary Hall³⁷, stating her opposition to the Covid-19 vaccine mandates and
9 government-imposed lockdowns. Multiple law enforcement officers had to intervene before [Dr.
10 Gold] stopped her speech and left the Statuary Hall.” The missing *in haec verba* description of Dr.
11 Gold’s speech while committing a misdemeanor trespass violation demonstrates the First Cause of
12 Action (¶ 20) is an impermissible attempt to deprive Plaintiff of her property right (i.e., California
13 medical license) based on exercising her right to engage in constitutionally protected free speech.
14 First Amendment protected conduct, as a matter of law, cannot be “substantially related to the
15 qualifications, functions, or duties of a physician and surgeon” or involve “moral turpitude” to
16 authorize a CMBhearing to go forward.

19 111. Similarly, Respondent’s First Amendment protected speech cannot, as a matter of
20 law, constitute “General Unprofessional Conduct” to support the abridgment of her property right
21 interest in her California medical license. The assertions in ¶ 13 implicitly admit it is the content
22 communicated by Dr. Gold’s constitutionally protected “speech” with which Lawson, Varghese,
23 and the CMB disagree. The misdemeanor conviction is a pretext improperly relied on by the CMB
24 to punish Dr. Gold’s protected speech without due process of law. Although the accuracy of an

27 ³⁷ Plaintiff does not concede there is proof of either allegation, or that Defendants’ Counsel had a good faith basis to
28 ethically assert these facts.

1 opinion is not the recognized test for whether it should be protected by the First Amendment, there
2 is no allegation that Dr. Gold's referenced speech contained inaccurate information. That is worth
3 repeating: the CMB has never alleged anything Dr. Gold has said was *false*.³⁸

4 112. Furthermore, the Plaintiff has provided discovery to the Defendants (and no contrary
5 discovery has been produced by the Defendants) establishing the factual impossibility of proving
6 either Cause for Discipline can support the CMB's requested punishment. The unsupported and
7 facially defective Causes for Discipline (which are multiplicitious, improperly charging the identical
8 conduct in two separate Causes for Discipline) merely provided a pretext for Lawson, Varghese,
9 and the CMB to exercise their power over the Plaintiff by pursuing adverse disciplinary action
10 against her, to include attempting to revoke her medical license.
11

12
13 **CAUSES OF ACTION**
14 **COUNT I**
15 **(Constitutional Causes of Action)**
16 **42 U.S.C. § 1983**
17 **Violation of the U.S. Constitution- First Amendment-Abuse of Investigative Power and**
18 **Chilling Effect.**

19 113. Plaintiff reincorporates the foregoing as if fully written herein.

20 114. California and federal statutory and constitutional law specifically limit the authority
21 of the CMB and its members to investigations related to professional conduct, not political speech.
22 Political speech may not be investigated by the Defendants.

23 115. As a private citizen Plaintiff has made public statements regarding Covid-19 and the
24 government response thereto which are political in nature.

25 116. The legitimacy of the government responses to Covid-19, the efficacy of fully FDA
26 approved drugs such as hydroxychloroquine, budesonide and ivermectin, the dubious efficacy of

27 ³⁸ As Winston Smith observes in Orwell's *1984*: "Freedom is the freedom to say that two
28 plus two makes four. If that is granted, all else follows."

1 vaccines and the propriety of recommending them or mandating them for use in the healthy U.S.
2 population and the other related matters on which Plaintiff has opined are all broad issues of social
3 and political interest to society at large.

4 117. Defendants initiated their Accusation related to Plaintiff based almost entirely on
5 political speech, using Plaintiff's appearance on January 6, 2021, at the U.S. Capitol as a pretext for
6 its determination to pursue revocation of her medical license. On information and belief, the
7 Accusation was planned and encouraged by Lawson, and signed by Varghese at Lawson's behest.

8 118. The alleged content of Plaintiff's speech and criticisms of Lawson were a substantial
9 motivating factor for Defendants' investigations. Defendants had no authority to initiate an
10 investigation into Plaintiff based on a speech she gave that was not substantially related to the
11 practice of medicine.
12

13 119. On information and believe, Defendant CMB acted at the direction of Lawson and
14 Varghese in abusing its investigative power and initiated prosecution of the Accusation solely to
15 chill Dr. Gold's political speech. Defendants were not required to investigate frivolous complaints
16 made by individuals and groups—other than Dr. Gold's patients— and demand written responses
17 and production of documents based solely on her protected speech. The matters under investigation
18 exceeded the Defendants' jurisdiction and are illegal. Defendants have produced no evidence that
19 any patient was harmed, or that there is any concern “substantially related to the practice of
20 medicine” involving Plaintiff's professional conduct.
21

22 120. Under the CMB's Model Disciplinary Rules, Defendants Varghese and Lawson were
23 neither required nor authorized to “investigate” Dr. Gold based on her plea to misdemeanor trespass
24 unrelated to the practice of medicine. The Decision from Judge Smyth on Dr. Gold's Writ of
25 Mandate confirms this point.
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1 121. Despite being provided with numerous opportunities to dismiss the Accusation
2 against Dr. Gold without subjecting her to further inquiry in order to chill her speech, Defendants
3 Varghese, Lawson and the CMB acting at their direction, refused to do so. Moreover, Defendants
4 refused to halt their investigation into unfounded allegations that she was providing
5 “misinformation” to unknown individuals.
6

7 122. Defendants’ actions would chill a person of ordinary firmness from petitioning or
8 continuing to petition the government.

9 123. Defendants have neither a substantial nor a compelling interest to justify
10 investigating Plaintiff for petitioning the government.

11 124. Defendants’ actions were not narrowly tailored to any claimed government interest
12 in regulating the medical profession because a physician’s political speech or thoughts and
13 discussions surrounding medical advice are not within the Defendants’ jurisdiction.
14

15 125. Defendants’ investigation subjected Dr. Gold to the harm of expending (i) time and
16 money to respond to the investigation, and ultimately, (ii) the legally meritless Accusation which
17 attempted to unlawfully revoke her medical license.

18 126. Dr. Gold respectfully requests that this Court declare that Defendants Reji Varghese
19 and Kristina Lawson acting in their official capacities as deputy directors of the California Medical
20 Board have violated her constitutional rights. Dr. Gold further respectfully requests that this Court
21 award her actual, nominal, general and compensatory damages for damage to her personal dignity,
22 reputation, medically derived income, and constitutional rights as against Reji Varghese, in his
23 individual capacity, and Kristina Lawson, in her individual capacity.
24

25 **COUNT II**
26 **(Constitutional Causes of Action)**
27 **42 U.S.C. § 1983**
28 **Violation of the U.S. Constitution, First Amendment Free Speech Clause Retaliation**

1 127. Plaintiff reincorporates the foregoing as if fully written herein.

2 128. The First Amendment prohibits the government from “abridging the freedom of
3 speech.” (U.S. Constitution., Amend.1.)

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

7
8 130. Defendants Lawson and Varghese, utilizing the powers of the CMB, initiated
9 multiple investigations into Plaintiff on the basis of her exercising her right to free speech as there
10 were no patient complaints against Dr. Gold to support a legitimate investigation.

11 131. Plaintiff’s speech was a substantial or motivating factor for Defendants’
12 investigation. At least two separate investigations—and possibly five—were grounded on Plaintiff’s
13 speech allegedly constituting “unprofessional behavior.” In particular, Investigation
14 Control No.: 8002021083678 falsely alleged that “Dr. Gold misleads and lies about³⁹
15 Hydroxychloroquine, Ivermectin, contagious COVID, masks and vaccine.”

16
17 132. In addition, the Accusation against Dr. Gold under Control No.: 800-2021-074424
18 alleges, “On or around January 2021, Respondent, a founder of America’s Frontline Doctors, was
19 giving public speeches on Covid-19 related lockdowns, Covid-19 vaccinations, and the use of
20 ivermectin and hydroxychloroquine as potential treatments.”

21
22 133. The President of the CMB, Kristina Lawson surreptitiously attempted to influence the
23 sentence Judge Cooper would impose on Dr. Gold’s for misdemeanor trespass conviction,
24 illustrating her personal bias and vitriol, as well as her desire to retaliate by damaging Plaintiff
25 financially and professionally.

1 134. On information and belief, Lawson's behavior stemmed not only from Dr. Gold's
2 speeches pertaining to early treatment methods for Covid-19, but also from Plaintiff's position, as
3 expressed on social media, that Lawson was corrupt, and should resign from her position. (See
4 Exhibit "C" hereto.)

5
6 135. On further information and belief, Lawson convinced the remaining CMB Board
7 members, including but not limited to Reji Varghese, to join with her on her witch hunt against Dr.
8 Gold in order to utilize the power of the CMB to punish Dr. Gold for her outspoken criticism of
9 Lawson, the CMB and their positions relating to Covid-19.

10 136. Defendants' actions would chill a person of ordinary firmness from exercising or
11 continuing to exercise her right to freely express her opinions on matters of public concern.

12 137. Defendants had no compelling interest to justify investigating Plaintiff for the
13 exercise of her protected speech rights.
14

15 **COUNT III**
16 **(Constitutional Causes of Action)**
17 **42 U.S.C. 1983**
18 **Violation of the U.S. Constitution,**
19 **First Amendment Free Speech Clause**
20 **Viewpoint Discrimination**

21 138. Plaintiff reincorporates the foregoing as if fully written herein.

22 138. The First Amendment prohibits the government from "abridging the freedom of
23 speech." U.S. Const., Amend. 1.

24 140. Plaintiff engaged in protected speech when she spoke at and through public forums,
25 such as in television and podcast interviews, online social media platforms, and on January 6, 2021,
26 when she gave a speech dealing with matters of public concern inside the Capitol.

27 141. On information and belief, Defendants Lawson and Varghese initiated multiple
28 investigations into Plaintiff's speech, including but not limited to, demanding written responses

1 under threat of disciplinary action or revocation of her medical license because of the viewpoint she
2 expressed in her various interviews and speeches.

3 142. Defendant’s investigations purported to scrutinize Plaintiff’s viewpoint. First, they
4 alleged in Investigation Control # 800-2021-083678 that Dr. Gold “misleads and lies about
5 Hydroxyxhloroquin (sic) [Hydroxychloroquine], Ivermectin, contagious Covid, masks and vaccine.
6 . . .” and that the CMB was “required to provide [Dr. Gold] with an opportunity to respond to the
7 allegations above.” The CMB then requested Dr. Gold’s written response, notifying her that
8 “further action could be taken by this agency.” Second, with respect to Investigation Control No.:
9 800-2021-074424, the CMB alleged that Dr. Gold, “was giving public speeches on Covid-19 related
10 lockdown, Covid-19 vaccinations, and the use of ivermectin and hydroxychloroquine as potential
11 treatments” and wrongfully characterized the alleged content of her speech as “General
12 Unprofessional Conduct” under California Business and Professions Code §§ 2227 and 2234.
13

14 143. Upon information and belief, Defendants have not initiated any investigations into
15 medical doctors who have publicly made statements about the government’s response to Covid-19
16 which called for greater restrictions on the population—contrary to Dr. Gold’s political message,
17 even though it now appears that government imposed “greater restrictions” were responsible for:
18 serious adverse health consequences, including but not limited to, increased suicide rates, decreased
19 speech and cognition in young children, a severe loss of learning for children, loss of social skills,
20 numerous deaths and injuries due to the administration of Remdesivir in the treatment of Covid-19,
21 significant health concerns associated with lack of exercise and profoundly increased obesity rates
22 in children and adolescents according to the NIH.⁴⁰
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27 ⁴⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9582903/>
28

1 144. Defendants' actions would chill a person of ordinary firmness from exercising or
2 continuing to exercise their right to freely express their viewpoint on such matters of public
3 concern.

4 145. Defendants had no compelling interest to justify investigating Plaintiff for the
5 content of her protected speech.
6

7 146. Defendants' investigation subjected Plaintiff to the present harm of expending time
8 and money to respond to the investigations as well as the potential future harm of disciplinary or
9 corrective action, including serious adverse action against her medical license. Moreover, the
10 behavior described above had a chilling effect on all California Physicians who learned, through
11 Lawson's and Varghese's actions against Dr. Gold that their medical licenses could be jeopardized
12 in the event that they provided anyone with scientifically based second opinions that may not be
13 popular with the CMB.
14

15 **COUNT IV**
16 **(Unconstitutional Conditions)**
17 **42 U.S.C. 1983, 1988;**
18 **28 U.S.C. 2201 et seq**

19 147. Plaintiff incorporates the preceding paragraphs by reference.

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

24 148. Because expression on "public issues has always rested on the highest rung of the
25 hierarchy of First Amendment Values.... mandating that [individuals] affirmatively espouse the
26 government's position on a contested public issue where the differences are both real and
27
28

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).

3 149. As further proof of Lawson’s, Varghese’s and the CMB’s unlawful motives to
4 pursue Dr. Gold, in fact the State of California’s official position is to acknowledge that doctors
5 (like Dr. Gold) can certainly speak publicly on these issues. During a hearing in front of the Ninth
6 Circuit Court of Appeals, when this very issue of the *content* of free speech arose, it was the
7 government’s position stated by Deputy Attorney General Kristin Liska that: “...doctors were still
8 free to go on talk shows and publish Covid research without fearing for their license.”⁴¹

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

12 151. Dr. Gold was forced to repeatedly respond to illegitimate “investigations” of her
13 license and successfully defend against the CMB’s Accusation, at her expense, based upon her
14 exercise of rights afforded under the U.S. Constitution.

16 152. The CMB wrongfully attempted to force Dr. Gold to abandon her beliefs or rights in
17 order to keep her medical license.

18 153. Defendants Lawson’s, Varghese’s and the CMB’s repeated illegal investigations of
19 Dr. Gold create unconstitutional conditions for her retention of her medical license because they
20 attempt to force her to remain silent on issues of public concern or face adverse action and/or the
21 revocation of her medical license.

23 154. Thus, Defendants’ actions targeting Dr. Gold violated the unconstitutional conditions
24 doctrine.

27 ⁴¹ [https://justthenews.com/government/state-houses/california-quietly-disavows-medical-misinformation-law-courts-](https://justthenews.com/government/state-houses/california-quietly-disavows-medical-misinformation-law-courts-can-strike-it)
28 [can-strike-it](https://justthenews.com/government/state-houses/california-quietly-disavows-medical-misinformation-law-courts-can-strike-it)

1 155. Plaintiff further respectfully requests that this Court award to Plaintiff nominal,
2 actual, compensatory, general and punitive damages against Varghese and Lawson in their
3 individual capacities for their intentional and unlawful investigations into her political speech.

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

8 **COUNT V**
9 **(Statutory Cause of Action)**
10 **Exceeding Statutory Authority and Violations of the California Administrative Procedures**
11 **Act by the California Medical Board**

12 157. Plaintiff incorporates the preceding paragraphs by reference.

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

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

18 160. The MPA does not sanction investigations of, or discipline for, the exercise of
19 protected physician free speech, or for the exercise of protected physician political speech. These
20 types of alleged "infractions" were not an authorized predicate for taking such actions pursuant to
21 the MPA. Any such attempted investigations of or discipline against Plaintiff by the CMB
22 constituted *ultra vires* actions on the part of the CMB. (See also ¶ 141.)

23 161. As confirmed by the CMB's own Manual of Model Disciplinary Orders and
24 Disciplinary Guidelines, 12th Edition, nowhere in the Manual is any discipline specified for
25 misdemeanor convictions which were not substantially related to the qualifications, functions or
26 duties of a physician and surgeon, and which did not arise from or occurred during patient care. Nor
27
28

1 does the Manual specify discipline for the exercise of protected physician free speech, or for the
2 exercise of protected physician political speech.

3 162. Indeed, as alleged above, even where the Manual sets forth the range of
4 recommended penalties for misdemeanor crimes that are substantially related to the qualifications,
5 functions, and duties of a physician and surgeon, the contemplated range only consists of 1)
6 community service; 2) a professionalism (ethics) course; 3) medical evaluation and treatment; or 4)
7 victim restitution.
8

9 163. In violation of the Manual, the CMB, acting at Lawson's and Varghese's direction
10 and under their authority, only offered Dr. Gold a revocation of her medical license, along with the
11 conditional suspension of the revocation during a five-year probationary period, among other
12 stipulations. This was approximately the most severe recommendation possible, alongside sexually
13 molesting patients, being drunk while operating and severe healthcare fraud, and is not within the
14 range of contemplated penalties for a misdemeanor conviction even when the conviction is
15 "substantially related to the qualifications, functions, and duties of a physician and surgeon."
16

17 164. The CMB, acting at the direction of Lawson and Varghese, attempted to discipline
18 Dr. Gold for conduct beyond the scope of its enabling act and the scope of its Manual, for Dr.
19 Gold's exercise of her rights to engage in protected free speech or protected political speech, or for
20 a misdemeanor which is not substantially related to the qualifications, functions or duties of a
21 physician and surgeon, and which did not arise from or occurred during patient care. None of these
22 alleged "disciplinary offenses" are sanctioned by the MPA or by the CMB's Manual.
23

24 165. Both Lawson and Varghese either knew, or should have known that initiating various
25 investigations into Dr. Gold and threatening her medical license and career by wielding the power
26 of the CMB based on their view that her speech was offensive and disagreeable to them was both
27 unlawful and immoral.
28

1 166. Indeed, as alleged above, after Plaintiff notified the California Department of Justice
2 there was no historical precedent for pursuing this penalty based on a misdemeanor trespass
3 violation, the Department of Justice could not identify a single occasion when the CMB has ever
4 suspended or revoked any California Physician/Surgeon’s license for any period of time based on a
5 misdemeanor trespass conviction.
6

7 167. As such, from the institution of the Accusation the CMB knowingly exceeded its
8 statutory authority under the MPA and purposefully engaged in *ultra vires* actions targeting Dr.
9 Gold.

10 168. Further, the CMB, at minimum, was required under the California Administrative
11 Procedures Act (“APA”) California Government Code section 11340 et seq. to follow the
12 administrative procedures necessary to amend its regulations and Manual to attempt to cover these
13 unprecedented disciplinary actions against Dr. Gold.
14

15 169. However, the CMB, acting under Varghese’s and Lawson’s instruction failed to
16 follow the administrative procedures required of it under the APA. Thus, the CMB’s actions in this
17 case were invalid, as they relied solely upon arbitrary ‘unwritten rules’ or what is known as invalid
18 “underground regulations’, as defined by *Naturist Action Com v. Dep’t of Parks and Recreation*,
19 175 Cal. App. 4th, 96 Cal Rptr. 3d 620 (2009).
20

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

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

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

173. Therefore, under the precedent set in *Naturist Action Com. V. Dep’t of Parks and Recreation*, the actions taken by the CMB were, at all times invalid independent of the complete failure, as a matter of law, to introduce evidence to support brining the Accusation. Also, see to the same effect *Wendz v. California Dep’t of Educ.*, (2023) 93 Cal. App. 5th 608.

COUNT VI
(Constitutional Causes of Action)
Violations of Substantive Due Process

174. Plaintiff incorporates the preceding paragraphs by reference

175. The Fifth Amendment prohibits the federal government from depriving a person of life, liberty, or property without due process of law. This constitutional principle further prevents an

1 unlawful state action from depriving a citizen of their property interest without due process of law.
2 U.S. Const., Amend. 14. Here, Varghese and Lawson utilized the power of the CMB to carry out
3 their own vindictive punishment against Dr. Gold, acting in both their official and individual
4 capacities, as described herein, for their own personal gratification.

5 176. Plaintiff was granted her medical license from the state of California in 1989, and her
6 license has remained active—and without any period of probation or other lapse—at all times
7 relevant to this Complaint.

8 177. On January 20, 2023, the CMB, acting on information and belief at the direction of
9 Lawson and Varghese, brought the Accusation against the Plaintiff seeking the deprivation or
10 abridgment of Plaintiff's property interest in her California medical license.

11 178. The allegations in ¶ 13 of the Accusation describe constitutionally protected speech
12 engaged in by the Plaintiff, or, in the alternative, do not provide reasonable notice of the charges
13 against her, which are relied on by CMB to support its request for a decision to impose the
14 prohibited disciplinary actions against the Plaintiff.

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

23 180. The Plaintiff had engaged in protected speech when she spoke at and through public
24 forums, such as in television and podcast interviews, online social media platforms, and on January
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1 6, 2021, when she gave a speech dealing with matters of public concern. At various times Plaintiff's
2 constitutionally protected speech has vigorously criticized the Defendants for their wrong—and
3 *ultra vires*—conduct restricting the use of hydroxychloroquine and ivermectin by California-
4 licensed medical providers to protect the public from the disastrous Covid-19 policy enforced as
5 enforced by the CMB. The Defendants' conduct was counterfactual and in violation of their
6 mandate to make protection of the public's health "paramount" rather than wrongfully subordinate
7 public health concerns to the proprietary interests of the pharmaceutical industry.

9 181. Lawson, Varghese, and the CMB have no authority to practice medicine. When the
10 Board threatens a professional license based upon a licensee's minority opinion of a particular
11 therapeutic, that is the Board "practicing medicine." This exceeds the Board's scope. Bureaucrats
12 practicing medicine is contrary to the protection of the public. Plaintiff has publicly exposed the
13 Defendants' dereliction of its statutory mission and legislative purpose, to wrongfully engage in the
14 "practicing medicine" by threatening physicians who would use safe and substantially less
15 expensive drugs to treat their patients. As current information continues to validate the accuracy of
16 the medical opinions expressed by Dr. Gold, it has become existentially important for the
17 Defendants to stigmatize Dr. Gold.⁴²

18 **PRAYER FOR RELIEF**

19
20 WHEREFORE, Plaintiff Dr. Simone M. Gold respectfully requests that this Court enter
21 judgment against Defendants and provide her with the following relief:
22

23 _____
24
25 ⁴² 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 A) A declaratory judgment against Defendants Kristina Lawson, in her official capacity,
2 Reji Varghese, in his official capacity, and the California Medical Board, as permitted under Ex
3 parte Young, 209 U.S. 123 (1908), that the Defendants violated Plaintiff's rights under the First and
4 Fourteenth Amendments to the United States Constitution, Article 1, Section 2, of the California
5 Constitution, and the unconstitutional conditions doctrine given that when government officials
6 such as Lawson and Varghese attempt to enforce an unconstitutional law, sovereign immunity does
7 not prevent people whom the law harms from suing those officials in their official capacity for
8 injunctive relief because they are not acting on behalf of the state in this situation.
9

10 B) Prospective Injunctive Relief under *Ex Parte Young*, 209 U.S. 123 (1908) as against
11 Defendants Kristina Lawson and Reji Varghese to prevent them from taking any further disciplinary
12 action against any California Physician based on the exercise of any physician's provision of a
13 second medical opinion to any individual, and/or protected speech.
14

15 C) An Award of actual, general, and compensatory damages in an amount to be proven
16 at trial, against Defendants Reji Varghese and Kristina Lawson, in their individual capacities,
17 including any damages or penalties available at law, given that they acted under color of law in
18 carrying out a vindictive prosecution of Dr. Gold based on their own, personal disagreement and
19 offense taken to her speech.
20

21 D) An Award of reasonable attorneys' fees, costs and disbursements in this action
22 pursuant to 42 U.S.C. section 1988 and upon proper post-judgment application for the same not
23 reimbursed by the CMB for its wrongful prosecution of the Accusation against Defendants Reji
24 Varghese and Kristina Lawson, in their individual capacities, given that they acted under color of
25 law in carrying out their own personal will to punish Dr. Gold by utilizing the vehicle of the CMB
26 in order to pursue her medical license and career as an ER Physician
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28 E) Any further relief that this Court may find just and proper.

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F) A trial by jury of all such matters properly tried as such is requested.

Respectfully Submitted:

Law Offices of Heather Gibson, P.C.



Dated: December 5, 2025

By: _____
Heather E. Gibson, Esq.
Stanley L. Gibson, Esq.
Attorneys for SIMONE GOLD, M.D.