

**IN THE UNITED STATES DISTRICT COURT  
FOR WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

<b>DR. ROBERT W. MALONE</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>Case Number: 3:22-cv-63</b>
	)	
<b>PETER R. BREGGIN, MD.</b>	)	
<b>GINGER ROSS BREGGIN,</b>	)	
<b>AMERICA OUT LOUD,</b>	)	
<b>DR. JANE RUBY</b>	)	
	)	
<b>And</b>	)	
	)	
<b>RED VOICE MEDIA</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**DEFENDANTS DR. PETER R. BREGGIN AND GINGER R. BREGGIN’S  
REPLY TO PLAINTIFF’S MEMORANDUM IN OPPOSITION TO DEFENDANTS’  
MOTION TO DISMISS.**

COME NOW, Dr. Peter R. Breggin (hereinafter “Dr. Breggin”) and his wife Ginger R. Breggin (hereinafter "Mrs. Breggin”) (collectively, “the Breggins”), by counsel, and submit the following Reply to Plaintiff’s Memorandum In Opposition To Defendants’ Motions To Dismiss.

**BACKGROUND**

Both the Plaintiff and the Breggin Defendants are involved in the field of medicine and are currently a part of the public discussion regarding the science and politics of both the handling of the worldwide coronavirus pandemic, and COVID-19 vaccine. Plaintiff Robert Malone filed his lawsuit against the Breggins, alleging that he is

entitled to over twenty-five million dollars (\$25,350,000.00) in damages because he asserts that the Breggins “and Ruby and their agents falsely accused Dr. Malone of fraud, disinformation, dishonesty, deception, lying to the American public, lack of integrity immorality, and ethical improprieties.” (Pl. Am. Compl. ¶ 1). Dr. Malone is a licensed medical doctor living in Madison County, Virginia. He asserts that he “is an internationally recognized scientist/physician and the original inventor of mRNA vaccinations as a technology, DNA vaccination, and multiple non-viral DNA and RNA/mRNA platform delivery technologies. (Pl. Am Compl. ¶ 3). He was the “leading contributor to the science exploited by Pfizer and other pharmaceutical corporations to create the alleged ‘vaccines’ for the novel coronavirus (“COVID-19”).” (Pl. Am. Compl. ¶ 1).

The Defendants Peter R. Breggin MD and his wife Ginger Breggin are citizens and residents of New York. Dr. Breggin is a lifelong reformer in the field of medicine and is known as “The Conscience of Psychiatry” for his criticism of biological psychiatry and his promotion of more effective, empathic, and ethical forms of psychological, educational, and social approaches to people with emotional suffering and disability. He graduated from Harvard College with Honors and his psychiatric training included a Teaching Fellowship at Harvard Medical School. Following his training, he became a Full Time Consultant in the U.S. Public Health Service at NIH, assigned to the National Institute of Mental Health. Since then, he has taught at several universities, including Johns Hopkins, George Mason, and the University of Maryland, as well as at the Washington School of Psychiatry. Dr. Breggin is the author of more than 20 medical and scientific texts, as well as popular books, including the bestseller and highly-

documented *Talking Back to Prozac*. Since 2020, Dr. and Mrs. Breggin have been involved in the public discussion regarding a complete examination of the real science surrounding COVID-19 and the efficacy of the resulting vaccine and its effect on humanity throughout the world. They have published numerous articles on the subject, and have participated on panel discussions, media interviews and appeared on podcasts and other social media platforms to discuss their views.

In his Amended Complaint, Dr. Malone alleges that the Breggins defamed him (by themselves and through their “agents” and/or “co-conspirators”) when they supposedly made false statements about him in the public discussion over the coronavirus vaccine (Count I), defamed him by implication because the allegedly defamatory statements made in internet articles, podcast videos and on social media platforms (referred cumulatively to by Plaintiff as “the Statements” in his Amended Complaint) were delivered by the Breggins with the “strong gist and implication... that Dr. Malone is intentionally dishonest, deceitful, immoral, unethical and dangerous, and that he is unfit to practice medicine.” (Pl. Am. Complaint, ¶ 23) (Count II). Dr. Malone also alleges that the Breggins used “insulting words, in the context and under the circumstances in which they were spoken and written” with the intent to incite violence and a breach of the peace. (Pl. Am. Comp. ¶ 28-30) (Count III).

The Breggins filed motions to dismiss Malone’s Amended Complaint pursuant to Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure. Malone has now filed his Memorandum in Opposition to Defendants’ Motions To Dismiss, and this reply follows.

## ARGUMENT

While Dr. Malone (“Malone”) cites numerous cases regarding the subject matter at issue currently before the court in his memorandum, he fails to make a prima facie showing sufficient to establish the jurisdiction of this Court to hear his claims, and he utterly fails to overcome the deficiencies in the three causes of action themselves.

### **I. The Plaintiff Has Failed to Establish Personal Jurisdiction Over The Breggins.**

Malone asserts that “[p]ersonal jurisdiction is warranted in Virginia because Virginia is the ‘focal point’ both of Breggins’ and Ruby’s publications and of the harm suffered,” and that “[b]ecause of the taunting nature of their excessive publication of the false and defamatory statements – online and via social media – Breggins and Ruby knew or should have known that their inflammatory statements would reach Dr. Malone, causing substantial harm in Virginia (Malone Mem. p. 7). His reliance upon the case law he cites to support this supposition is misplaced. In *UMG Recordings, Inc. v. Kurbanov*, 963 F.3d 344, 355 (4th Cir. 2020), a Russian citizen was sued in Virginia for running an internet website that allowed music piracy internationally, but had significant documented use of the website by Virginia visitors who he specifically targeted through the website’s 3<sup>rd</sup> party advertising. The Fourth Circuit found “more than sufficient facts to conclude that [Defendant] Kurbanov has purposefully availed himself of the privilege of conducting business in Virginia and thus had a ‘fair warning’ that his forum-related activities could ‘subject [him] to [Virginia’s] jurisdiction.’” *Id.* at 353 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 472 (1985)). Unlike the case at bar, the Court found Defendant Kurbanov’s contacts with Virginia were “plentiful,” noting the volume of Virginia-based visitors to the websites (more than half a million during the relevant period) and the repeated interactions of these visitors with the Websites. *Id.* The Fourth Circuit also rejected

Defendant Kurbanov's "attempt to distance himself from this commercial arrangement" between the websites and Virginians. *Id.* It found that Defendant Kurbanov "facilitates targeted advertising by collecting and selling visitors' data" and that it was "immaterial" whether it was he or the third-party advertisers who actually targeted Virginians with advertisements on the websites. *Id.* at 354. While Malone believes that the personal jurisdiction issue in this matter fits squarely with the *Kurbanov* analysis, it does not. Contrary to what Malone wants this Court to believe, the *Kurbanov* Court clearly requires more than just a showing that a defendant foreign to Virginia operates a "website that was globally accessible and was interactive to a degree, Virginians visited the website and downloaded information from the website" in order to vest personal jurisdiction over them. (Malone Memo., p. 7).

Here, the Breggins have no such website or social media platform like the one analyzed in *Kurbanov* to determine the issue of personal jurisdiction. First, Malone has not demonstrated (as was proven in *Kurbanov*) that the Breggins had a significant Virginia-based audience to their websites, videos, books and/or publications written by the Breggins. Second, Malone has not alleged, in either his Amended Complaint or in his supporting memorandum, that the Breggins utilized a 3<sup>rd</sup> party advertising platform on their websites or social media accounts that specifically targeted advertising to a Virginia audience, unlike the arrangement found in *Kurbanov*, or that they profited from the targeted advertising and the collection of personal data from its Virginia visitors. In fact, the Breggins don't utilize any such advertising platform that would target a particular state, nor do they sell any data information gleaned from the visitors to their platforms. (Breggins Declaration, ¶ 5).

Moreover, Malone's claim that "Virginia is the 'focal point' both of Breggins' and Ruby's publications" is wholly without factual support. The only thing that connects this case to

Virginia is the fact that Dr. Malone lives in the Commonwealth, and either read or heard these statements while he was (presumably) in Virginia, and nothing more; and, Malone’s belief that the “taunting nature” of their statements demonstrates that they should have known that their statements “would reach Dr. Malone...in Virginia” is of no legal import and is completely insufficient to create personal jurisdiction over Dr. and Mrs. Breggin by this Virginia Court. And, Malone’s factually unsupported statement that since he filed this lawsuit the “Breggins and Ruby have no problem....actively litigat[ing] this very case on the Internet, via podcasts published in Charlottesville and via Breggins’ active website” does not now somehow confer the Court’s jurisdiction over the Breggins. Any public comments made by the Breggins about this litigation are not only within their right to do so, but also are not indicators of personal jurisdiction, especially when they are released on the same public forums that seek a worldwide audience and not are not specifically targeted to a Virginia audience.<sup>1</sup>

Ultimately, Malone does not bring to this Court any evidence that would give rise to personal jurisdiction of this Court over the Breggins. Rather, and as evidenced by the Breggins’ Declaration, they lack the “minimum contacts” necessary to invoke jurisdiction in this case. Additionally (and contrary to Malone’s assertion), litigating this case will impose burdens upon the health of the Breggins that make it constitutionally unreasonable for them to be subject to defending this matter in Virginia. (Exhibit 1, Breggins’ Declaration, ¶ 6). Therefore, Malone’s Amended Complaint should be dismissed for a lack of personal jurisdiction over the Defendants.

## **II. Plaintiff Fails to State Proper Claims For Defamation and Defamation By Implication.**

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<sup>1</sup> Malone’s claim that the Breggins operate “America Out Loud” website is patently false, as it is merely a media platform that the Breggins appear on, but do not own or operate. The only website that they own or have any control of is [www.breggin.com](http://www.breggin.com).

As stated previously, both the Plaintiff and the Defendants are public figures engaged in a great debate over the COVID-19 disease, how our government officials handled the shut-down of society for a period during the pandemic, and the efficacy of the vaccine imposed upon the population by governments all over the world. This vigorous scientific debate continues to this day, and it involves reason, passion, and a constant analysis by people of the scientific evidence and past governmental actions. There has not, to this day, been any absolute and uncontroverted conclusions in this debate, as both the scientific evidence and government actions have been interpreted differently by various scholars and scientists on a near constant basis. This quest for the truth is still ongoing, and the stated opinions of each side, while they may conflict, are all protected by the First Amendment. But as this debate rages on, we are reminded by the Court in *McCullough v. Gannett Co.*, that “it is not this Court’s job to pick sides in a scientific debate,” 2023 WL 3075940 at \*7, because there remains a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks” upon the people who participate in the debate forum. *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964). (See also, *Immanuel v. Cable News Network, Inc.* 2022 WL 3030290 at \*1: “Courts do not use defamation law to decide or cut short arguments over unsettled questions of what medication best or most safely prevents or treats disease.”). It is clear that the statements cited by Malone as the basis of his defamation claims against the Breggins emanate from the open and public debate over the COVID-19 pandemic and the resulting vaccine are merely opinions put forth in that great debate. A debate in a free society always has more than one position, and while Malone may not like the Breggins’ position, and most certainly might not agree with their position, the Breggins’ stated position is nevertheless protected free speech that is not subject to Court

intervention. Simply put, the parties to this litigation are engaged in non-actionable “academic disputes.” Dr. Malone admitted as much on his GETTR social media account when he posted: “I regret having to write this, but I continue to be pestered regarding Peter Breggin’s criticism of Mattias Desmet and his book. As far as I am concerned, this is concern trolling on the part of Dr. Breggin and his followers.....I have facilitated direct communication between them. I want nothing to do with this, it is between them.....I am not in the business of facilitating nor exploiting *academic disputes*.” (@rwmalonemd account on GETTR, posted on August 31, 2022 at 11:07 a.m.) (Emphasis added) (Exhibit 2).

Also, Malone’s claims that “Breggins and Ruby fabricated the statements out of whole cloth with the intent to injure him” are likewise unsupported. (Pl. Memo, p.17). In their Memorandum in support of their Motion to Dismiss pursuant to Rule 12(b)(6), the Breggins meticulously examine each of the allegedly defamatory statements attributed to them in great detail, demonstrating why each statement is not fabricated, not made with the intent to injure Dr. Malone, and therefore not actionable.<sup>2</sup> All sixteen statements cited by Malone against the Breggins again arise from a worldwide debate (that he is an active participant in), and they are not born out of “whole cloth,” but rather reflect their position and opinions regarding certain issues that are relevant in the public discussion of the aftermath of the COVID-19 pandemic. Malone has failed to show that the Defendants have acted with malice (as all parties agree is required in this type of defamation claim), and Malone’s interpretation that others who have openly agreed with the Defendants’ statements in the same public debate forum must therefore

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<sup>2</sup> The Breggins re-incorporate all arguments in their Memo in support of their 12(b)(6) motion regarding each allegedly defamatory statement as if stated herein. (Breggins Memo, Section II, A and B).



be engaged in a “conspiracy” to defame him is entirely without merit.<sup>3</sup> The mere fact that others may agree with the Breggins’ position appears to be foreign to Dr. Malone, as it is clear from his pleadings that he is entirely certain that his position is the correct one and therefore it is not open to either interpretation or debate by third parties. But alas, his mere belief of being right does not blossom into actionable defamation just because someone dares to think differently than him, and Malone cannot be permitted to create an intentional “chilling effect” on free speech through this litigation on anything (and anyone) that contradicts his viewpoint.<sup>4</sup>

### III. The Insulting Words Claim Is Legally Insufficient.

Malone offers no more factual insight in his memorandum that would strengthen his claim against the Breggins for “Insulting Words.” Malone claims in his memo that “Breggins’ and Ruby’s words are “insulting *per se*” and therefore are “fighting words” is also unsupported. (Pl. Memo, p.20). Each of the sixteen statements made by the Breggins have been shown that they are not words that amount to *per se* defamation, and most certainly were not of the type to move reasonable people towards physical violence or a breach of the peace. Malone’s allegations that Breggins’ statements accuse “Dr. Malone of being responsible for COVID” are not true; his claim that the Breggins stated that “he created a technology that he knew would kill people” is not true; his claim that they said that he was an “apologist for political mass murderers” is inaccurate; and, his claim that the Breggins accused “Malone of fraud and grifting

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<sup>3</sup> Malone wildly contends in his Amended Complaint that the Breggins are now engaged in a conspiracy with Defendant Dr. Ruby, a gentleman named Paul Alexander and the “Stew Peters Network” in order to “attack” Malone (See Amended Complaint, ¶ 6, and footnotes 2 and 3), when in fact all the others, on their own accord and not in concert with the Breggins, dared to agree with Dr. Breggin’s positions.

<sup>4</sup> “If I can win these lawsuits (and that is a big ‘if’—defamation lawsuits are very hard to win) then **this will hopefully have a chilling effect** on the corporate media + internet/social media defamation business model that so many pursue – because its profitable.” Dr. Robert W. Malone Tweet, 3/27/23, at 6:53 pm. (Emphasis Added)

(theft)” cannot be found in any of the statements cited by him in his Complaint, and no such statement has ever been uttered by either Breggin about Dr. Malone. *Id.*

#### **IV. Section §8.01-223.2 Prevents This Litigation from Moving Forward.**

Finally, Malone asserts that Virginia’s Anti-SLAPP laws do not immunize the Defendants because the statute itself does not protect those statements where the “declarant knew or should have known were false or were made with reckless disregard for whether they were false” (Section §8.01-223.2 (B)). He states that since he has (in conclusory language unsupported by fact) asserted in his Amended Complaint that the statements made by the Defendants were ones that the Defendants knew were false or made with a reckless disregard for the truth, that this should be a sufficient shield against the effects of Virginia’s Anti-SLAPP law.

It is without question that the Breggins’ statements cited in Malone’s Amended Complaint are solely “matters of public concern” that are protected as free speech under the First Amendment because they originate from the COVID-19 debate, and are in response to assertions made by Dr. Malone in the very same public forums – the health freedom movement and the differing opinions on the COVID-19 pandemic, the safety of the vaccines produced, and Dr. Malone’s concept (and opinion) of mass formation psychosis as it relates to how humans responded to the crisis. “Statements of opinion are generally not actionable because such statements cannot be objectively characterized as true or false,” and as such, opinion statements consequently lack malice on the behalf of the speaker. *Jordan v. Kollman*, 269 Va. 569, 575, 612 S.Ed.2d 203, 206 (2005). A review of the sixteen statements attributed to the Breggins clearly reveals that five of the statements are not statements made by the Breggins, and eleven statements that can be attributed to the Breggins are unequivocal statements of opinion. One cannot assert, let alone infer, that the five statements that were not uttered by the Breggins

contained malice on their part, and because the other eleven statements cannot be objectively characterized as either true or false because they are opinions of the speaker(s), they cannot possibly have been made with a knowledge of their falsity by those speakers. Therefore, the Amended Complaint is barred by Virginia Code §8.01-223.2.

WHEREFORE, for the foregoing reasons, and for those reasons set forth in their Memoranda in Support of their Motions To Dismiss Pursuant to Rules 12(b)(2) and (6) and at any hearing on the matter, *ore tenus*, your Defendants Dr. Peter and Ginger Breggins respectfully pray that their motions be granted, and that they be granted any further relief, including but not limited to the award of attorney's fees, that this Court deems just and appropriate under the circumstances.

Respectfully Submitted,

PETER R. BREGGIN, MD.  
GINGER ROSS BREGGIN  
By Counsel

By /s/ William M. Stanley

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**CERTIFICATE**

I hereby certify that on the 3<sup>rd</sup> day of August, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Steven S. Biss (VSB # 32972)  
300 West Main Street, Suite 102  
Charlottesville, Virginia 22903  
Telephone: (804) 501-8272 Facsimile: (202) 318-4098  
Email: [stevenbiss@earthlink.net](mailto:stevenbiss@earthlink.net)  
Counsel for the Plaintiff

By /s/ William M. Stanley

# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

**DR. ROBERT W. MALONE**

**Plaintiff**

v.

**Case Number: 3:22-cv-63**

**PETER R. BREGGIN, MD.  
GINGER ROSS BREGGIN,  
AMERICA OUT LOUD,  
DR. JANE RUBY**

**And**

**RED VOICE MEDIA**

**Defendants.**

**JOINT DECLARATION OF DEFENDANTS DR. PETER R. BREGGIN AND GINGER  
R. BREGGIN IN SUPPORT OF THEIR MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION**

We, Dr. Peter R. Breggin and Ginger R. Breggin jointly declare as follows:

1. We are both over the age of eighteen years of age and we are competent to make the following declaration as we both possess the same personal knowledge of the facts contained below.

2. We have been residents of the State of New York since November 2002.

3. We do not live in Virginia, and we neither own a business nor transact business in the Commonwealth of Virginia. We have not solicited business in Virginia, and we have no physical presence in Virginia, including but not limited to not having physical offices, bank accounts, real or personal property, or employees in the state, nor do we have any specific commerce emanating

from (or specifically directed towards) Virginia. We have no contracts existing, either executed in and/or to be performed in Virginia. We owned a vacation lake house at Lake Anna until 2003, but never resided there. Dr. Breggin had medical license privileges in Virginia until 2002, but never practiced medicine in the state, nor treated any patients in Virginia.

4. Peter R. Breggin, MD is a Harvard-trained psychiatrist and former full-time Consultant at NIMH. He is known as “The Conscience of Psychiatry” for his many decades of successful efforts to reform the mental health field. He is the author of two dozen medical, scientific, and best-selling popular books. Ginger Ross Breggin has partnered since 1984 with Peter as a writer, editor, researcher, administrator, advisor and communicator with the outside world. She is an award-winning photographer and has a background in public relations and investigative journalism. Over several decades, Dr. Breggin has appeared as a medical and psychiatric expert on most major TV news and feature shows such as Oprah (six times), Larry King Live (many times), 60 Minutes, 20/20, Nightline, Frontline, morning and evening news shows, and many others. His work has been covered in most if not all the major print media, including *The New York Times*, *The Washington Post*, *The Wall Street Journal*, *Los Angeles Times*, *Time*, and *Newsweek*, as well as many European publications.

For many years, Dr. Breggin has had his own weekly radio/TV show, interviewing guests in broad fields of psychiatry, psychology, medicine, and human freedom. Their own media is now limited to a weekly radio show that they both host on America Out Loud and replays on numerous other outlets, including [www.prn.live](http://www.prn.live). The Breggins do not operate America Out Loud.

The Breggins have an internet newsletter run by Ginger, “Breggin Alerts,” which has more than 40,000 subscribers worldwide. Several of Dr. Breggin’s videos had been downloaded from YouTube in the hundreds of thousands, with one approaching one million views. They have social

media accounts on Telegram, Twitter, FaceBook, Instagram and Substack and other social media platforms. While Dr. Breggin continues to see patients, he also frequently appears on radio and TV and, with Ginger, he writes blogs and makes individual videos. Ginger acts as researcher, coauthor, editor, producer, and contact person for professionals around the world. Ginger Breggin, along with Peter, is an invited member of several international medical, scientific and professional groups devoted to COVID-19 issues, including “The C-19 Group” cofounded by Peter McCullough MD, MPH, as well as others in Europe and South Africa. And they are the authors of more than 20 books with Ginger Breggin as coauthor of several, including a recent best-seller titled *COVID-19 and the Global Predators: We Are the Prey*, which examines the politics and science of the pandemic, the shutdowns, and the vaccine development during the global crisis.

5. We do not know how many listeners, followers, subscribers that we have in Virginia, as we do not target nor track Virginians separate from our worldwide audience. Our publications are specifically intended for consumption by a national and international audience from wherever that audience is located. We do not target our publications, including but not limited to our books specifically towards a Virginia audience, nor do we target any advertisement for the sale of our publications in Virginia or to a Virginia audience. Our website, [www.breggin.com](http://www.breggin.com) is not operated in Virginia, nor is it hosted on any computer server located in Virginia. None of the statements at issue in this case that are attributed to us were directed at a Virginia audience and did not address issues that were only relevant to Virginia. We have never employed a third-party advertising company for our websites and on-line publications to target Virginians with their advertising, nor have we profited from the collection of website visitor data for sale to third parties.

6. We both suffer from significant health issues that limit our travel out of state. Since we have no business in Virginia, and because we conduct all of our business in New York, we do



not travel to Virginia. We have not taken any purposeful action to avail ourselves to the laws of the Commonwealth of Virginia and believe that having to defend a lawsuit in Virginia would result in undue hardship. Dr. Breggin is 87 years old. Since 2019, he has been formally instructed by his physicians to stop traveling, especially in stressful circumstances. This followed two occasions in 2019 while testifying on the witness stand as a medical expert when he had medical events that caused the judges to intervene and to show concern. He then had a more lengthy serious event for which he was hospitalized shortly after traveling. Dr. Breggin has not traveled for any reason since 2019 and continues to give public and professional presentations, and to testify in court, remotely from his home office. He had no such repeated events since he stopped traveling. We have attached to this Declaration letters from our physicians regarding our lack of ability to travel out of state.

We hereby declare under the penalty of perjury that this declaration is true and correct.

Executed this 3<sup>rd</sup> day of August, 2023 in Ithaca, New York.

Peter R. Breggin MD

Dr. Peter R. Breggin, MD

Ginger R. Breggin

Ginger R. Breggin

**BRIAN S. MARINO, DO FACC**  
Cayuga Medical Associates, P.C.  
2432 N. Triphammer Rd  
Ithaca, NY 14850-1014  
607-272-0460

Peter Breggin  
206A Dryden Road Pmb 112  
Ithaca, NY 14850

**Excuse Slip**

Date: June 22, 2023

To Whom It May Concern:

Dr. Breggin is under my cardiac care. He has been under medical orders not to travel since 2019. He was hospitalized earlier this year for 5 days with covid related hypoxic respiratory failure for which he has not yet fully recovered. Travel restrictions are to remain in place.



Brian Marino, DO

Electronically signed by Brian S. Marino, DO FACC on 06/22/2023 at 12:40 pm

**BRIAN S. MARINO, DO FACC**  
Cayuga Medical Associates, P.C.  
2432 N. Triphammer Rd  
Ithaca, NY 14850-1014  
607-272-0460

Virginia R. Breggin  
206 A DRYDEN RD PMB 112 (mail)  
7 Pleasant Grove Ln. (physical)  
Ithaca, NY 14850

**Excuse Slip**

Date: June 22, 2023

To Whom It May Concern:

Virginia R. Breggin is under my cardiac care. She should not travel for outside of home region due to a chronic cardiac condition with recent acute exacerbation requiring hospitalization.



Brian Marino, DO

Electronically signed by Brian S. Marino, DO FACC on 06/22/2023 at 12:36 pm



*Smith Allergy & Asthma*  
**SPECIALISTS**

April 14, 2023

RE: Peter Breggin

DOB: 5/11/1936

To Whom It May Concern:

Peter Breggin was recently hospitalized with COVID pneumonia. He is being followed by me for post-COVID pneumonia. I anticipate a minimum three-month recovery period.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Smith MD', written in a cursive style.

Christopher A. Smith, MD

Board-certified American Board of Allergy and Immunology  
Board-certified American Board of Pediatrics  
Clinical Assistant Professor of Pediatrics, Weill Cornell Medical College

CAS:pcs

CHRISTOPHER A. SMITH, M.D.

Smith Allergy & Asthma Specialists of Central New York | 2430 North Triphammer Road, Suite B, Ithaca, NY 14850 | 607.379.6072 | fax 607.684.6120

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**BRIAN S. MARINO, DO FACC**

Cayuga Medical Associates, P.C.  
2432 N. Triphammer RD  
Ithaca, NY 14850-1014  
607-272-0460

Peter Breggin  
101 E. State St Unit 112  
Ithaca, NY 14850

Date: February 24, 2020

To Whom It May Concern:

Peter Breggin is under my care. He is medically unable to travel. Please call our office with questions or concerns.



Brian Marino, DO

Electronically signed by Brian S. Marino, DO FACC on 02/24/2020 at 11:08 am

# EXHIBIT 2



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**rwmalonemd** ✓

@rwmalonemd · Aug 31, 2022

RE: Breggin

I regret having to write this, but I continue to be pestered regarding Peter Breggin's criticism of Mattias Desmet and his book. As far as I am concerned, this is concern trolling on the part of Dr. Breggin and his followers. I want nothing to do with this. Dr. Breggin may see Dr. Desmet as both an academic competitor as well as a competing author (and therefore have conflicts of interest), I have no idea, but the behavior is consistent with that. I have facilitated direct communication between them. I want nothing to do with this, it is between them. But please do not bother me about this any more. I am not in the business of facilitating nor exploiting academic disputes.

Thank you.

[Translate post](#)

Posted on 11:07 AM · Aug 31st, 2022