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March 2, 2018

Amy M. Ruby, Esq.  
Michael W. Reeds, P.C.  
1038 E. West Maple Rd.  
Walled Lake, MI 48390

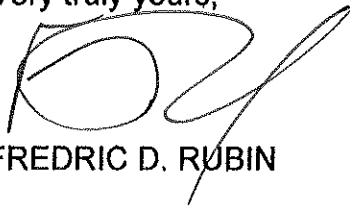
**RE: Schmitt v Schmitt; Dr. Stanley Plotkin**

Dear Ms. Ruby:

In furtherance of my recent email in which I transmitted the Motion To Quash/Motion For Protective Order regarding the February 9, 2019 Bucks County, Pennsylvania Subpoena, which transmittal included Exhibit D, enclosed is the Motion with all exhibits included. Please sign, date and return via email the enclosed Acceptance of Service. Please sign in blue ink.

Thank you for your attention and cooperation.

Very truly yours,



FREDRIC D. RUBIN

FDR:m

cc: Laura Nieuwma, Esquire w/enclosure

Fredric D. Rubin, Esquire  
Attorney I.D. No. 21263  
2 Firewood Drive  
Holland, PA 18966  
215-499-5490  
215-968-3273 (fax)  
fdrlaw@gmail.com

**Attorney for Movant,  
Stanley A. Plotkin, MD**

**IN THE COURT OF COMMON PLEAS, BUCKS COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

**LORI ANN SCHMITT** :  
C/O Amy M. Ruby, Esquire : Docket No. 2018-01219  
Michael W. Reeds, P.C. :  
1038 E. West Maple :  
Walled Lake, MI 48390 :

Vs. :

**MICHAEL SCHMITT** :  
C/O Laura Nieusma : **[OAKLAND COUNTY, MICHIGAN**  
Kallstrom Cooney, LLP : **CASE NO. 2015-831539-DM]**  
6480 Citation Drive, Ste. A :  
Clarkston, MI 48346 :

**ACCEPTANCE OF SERVICE OF MOTION**

I, AMY M. RUBY, Esquire hereby acknowledge that I am the Michigan attorney representing Lori Ann Schmitt in the above referenced Oakland County, MI Custody case, and that I Accept Service of the Motion to Quash/Motion For Protective Order which Motion was filed by Fredric D. Rubin, Esquire on behalf of Stanley Plotkin, MD. I received the Motion and Exhibit D via email on March 2, 2018, and I received a hard copy of the Motion with all exhibits on \_\_\_\_\_, 2018. The Motion concerns the February 9, 2018 Subpoena issued by the Bucks County Court of Common Pleas on behalf of my client in connection with the Oakland County, MI matter.

\_\_\_\_\_/\_\_\_\_\_  
Amy Ruby, Esquire                      Date

Fredric D. Rubin, Esquire  
Attorney I.D. No. 21263  
2 Firewood Drive  
Holland, PA 18966  
215-499-5490  
215-968-3273 (fax)  
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**Attorney for Movant,  
Stanley A. Plotkin, MD**

**IN THE COURT OF COMMON PLEAS, BUCKS COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

**LORI ANN SCHMITT**  
C/O Amy M. Ruby, Esquire  
Michael W. Reeds, P.C.  
1038 E. West Maple  
Walled Lake, MI 48390



Case # 2018-01219-0000 11836971  
Main (Public)  
Code 0 Judge 29  
Rcpt 2018-24-00386 2/27/2018 1:58:48 PM

Vs.

**MICHAEL SCHMITT**  
C/O Laura Nieuwma  
Kallstrom Cooney, LLP  
6480 Citation Drive, Ste. A  
Clarkston, MI 48346

**[CLARKSTON COUNTY, MICHIGAN  
CASE NO. 2015-831539-DM]**

**STANLEY PLOTKIN, MD'S MOTION TO QUASH/MOTION FOR PROTECTIVE  
ORDER IN OPPOSITION TO THE FEBRUARY 9, 2018 SUBPOENA ISSUED BY THE  
BUCKS COUNTY PROTHONOTARY IN CONNECTION WITH CLARKSTON  
COUNTY, STATE OF MICHIGAN SUBPOENA DOMESTICATED INTO BUCKS  
COUNTY**

**TO THE HONORABLE, THE JUDGES OF THE SAID COURT:**

Movant, Stanley A. Plotkin, MD, files this Motion To Quash/Motion For Protective Order by and through his counsel, Fredric D. Rubin, Esquire and represents as follows:

1. The above referenced Michigan litigation between Michael Schmitt (hereinafter, "Father") and Lori Ann Matheson Schmitt (hereinafter, "Mother") is a custody battle concerning Mother's refusal to consent to have the Schmitt's 3-year old child administered the standard vaccinations for school enrollment.

2. Father is represented by Laura Nieuwsma, Esquire of the Karlstrom Cooney LLP law firm in Clarkston, MI and Mother is represented by Amy Ruby, Esquire of the Reeds & Reeds law firm in Walled Lake, MI.
3. Ms. Nieuwsma, on behalf of Father, retained Movant Stanley A. Plotkin, MD, of Doylestown, Bucks County, Pennsylvania, to support Father's position that the child be vaccinated. Dr. Plotkin accepted the task, *pro bono*.
4. Dr. Plotkin is an expert in the field of vaccines/vaccinations. His Curriculum Vitae is attached hereto as **Exhibit A.**<sup>1</sup>
5. On January 11, 2018 Dr. Plotkin submitted to a videotaped discovery deposition with Dr. Plotkin testifying in a conference room at the Golden Plough Hotel in Solebury Township, Pennsylvania, Ms. Ruby present at said facility, and Ms. Nieuwsma present by telephone in Michigan.
6. Though Wife's counsel is Amy Ruby, Esquire, the deposition was conducted solely by Aaron Siri, Esquire of Siri Gladstad, LLP, a New York City law firm. **The deposition lasted 10 hours.**
7. Mr. Siri was admitted *pro hac vitae* in the *Schmitt v Schmitt* case.
8. Siri Gladstad, LLP is heavily involved in vaccine litigation in the United States, and possibly abroad.
9. Mr. Siri has brought actions, including class actions, against vaccine manufacturers and has brought actions to attempt to enjoin municipalities/school districts from requiring vaccine inoculation of students.
10. In short, Mr. Siri is an advocate for the anti-vaccine movement.

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<sup>1</sup> Undersigned counsel points out to the court that the term "expert" is an understatement. Dr. Plotkin is world renowned in the fields of infectious diseases, virology and vaccines, as is attested to by the weight of his attached Curriculum Vitae. He graduated in 1956 from the State University of New York, College of Medicine, Brooklyn. He has devoted his life's work during his 62 years as a medical doctor to helping mankind and saving countless lives through his study of infectious diseases and virology, and the development of vaccines to eradicate disease. His resume shows that he is an Emeritus Professor of Pediatrics, University of Pennsylvania, Emeritus Professor of the Wistar Institute, and an Adjunct Professor of International Health, John Hopkins University. His resume reflects 25 Awards, 25 separate Honors, his development of a number of vaccines, the editing of multiple medical texts, numerous teaching and clinical responsibilities and a bibliography numbering 794 publications.

11. As noted, Mr. Siri's interrogation of Dr. Plotkin on January 11, 2018 lasted ten hours.
12. Subsequent to the video deposition, Wife's counsel, ostensibly Ms. Ruby, issued a Michigan Subpoena, dated January 12, 2018, for Dr. Plotkin to produce documents, many of which concern research that he conducted decades ago. A true and correct copy of the Subpoena is attached hereto as **Exhibit B**.
13. Because Dr. Plotkin felt harassed by the length of the deposition and by the enormous scope of the January 12, 2018 Subpoena's Document Request, on January 15, 2018 Dr. Plotkin advised Husband's attorney that he decided to withdraw from the case.
14. Wife's counsel was/were also made aware that Dr. Plotkin withdrew from the Schmitt v Schmitt case.
15. Nevertheless, thereafter Wife's counsel proceeded under The Foreign Depositions and Subpoenas Act, 42 Pa. C.S. Sect. 5331 et. seq., to domesticate the Michigan Subpoena to Bucks County.
16. This caused the Bucks County Prothonotary to issue the February 9, 2018 Subpoena which is the subject of this Motion. A true and correct copy of this Subpoena is attached hereto as **Exhibit C**. As delivered, it included the January 12, 2018 Michigan subpoena (Exhibit B hereto).
17. The Bucks County Subpoena at issue was not personally served upon Dr. Plotkin. It was delivered to his Doylestown home and office and signed for by his secretary. At the time, Dr. Plotkin and his wife were traveling out West.
18. Notwithstanding Dr. Plotkin's withdrawal from the case, Wife's counsel is/are pressing forward with the February 9, 2018 Subpoena, attempting to mine substantial information from Dr. Plotkin, <sup>2 3</sup> unrelated to the Schmitt case.

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<sup>2</sup> Attached hereto as **Exhibit D** is the February 23, 2018 letter to undersigned from Laura Nieusma, Esquire which discusses some of the background cited above and also indicates that the custody case will proceed in Michigan without either side calling a vaccine expert. The non-adjudicatory February 14, 2018 Oakland County, Michigan agreed Order, referenced in said letter, is part of Exhibit D.

<sup>3</sup> Ms. Ruby has communicated to undersigned counsel that she will consider the subpoena satisfied if Dr. Plotkin agrees to certain reduced document productions and disclosures, and other conditions. This somewhat reduced discovery is nonetheless improper for all the reasons discussed in this motion. To that point, Dr. Plotkin would still have to spend considerable time to search personal files he has accumulated during

19. To that point, as noted above, it is believed and therefore averred, that the Bucks County Subpoena is being misused in order for Mr. Siri to obtain information from Dr. Plotkin for use in the anti-vaccine movement.

20. Because Dr. Plotkin has withdrawn from the case and will thus not be testifying, and because neither Mother nor Father will be calling a vaccine expert at the custody trial (See Exhibit **D**), the discovery sought by Mother's counsel is irrelevant and moot.

21. The Bucks County Subpoena should be quashed on these grounds, and Dr. Plotkin should be protected by the Court from having to furnish any information to Ms. Ruby or to Mr. Siri.

22. Furthermore, Pa. R.C.P. 4003 (a)(3) does not permit a party to obtain discovery from an adversary's expert who will not be called as a witness,

“except a medical expert as provided in Rule 4010(b) [i.e. relating to a medical expert retained by one party to examine the other party] or upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means”.

23. The Explanatory comments cite as an example of “exceptional circumstances,” the situation where an expert retained by one party to inspect/test the other party's evidence loses or destroys that evidence.

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his 62-year distinguished career. Furthermore, compelling Dr. Plotkin to yield to opposing counsels' request regarding the large body of work Dr. Plotkin donated to the Philadelphia College of Physicians would essentially force Dr. Plotkin to share the fruits of his labor with anti-inoculation “conspiracy theorists” whose theories have been scientifically debunked, and with other persons with whom he does not wish to share his work. This would be untenable. Dr. Plotkin's anti-vaccination adversaries are not entitled to use the pretext of Michigan's Schmitt custody case in which he will not be testifying, to pick his brain.

24. Rule 4003.5(a)(3)'s exceptions to the prohibition of discovery from a non-witness expert do not apply to the Schmitt case.

**WHEREFORE**, Movant respectfully requests that the Subpoena Duces Tecum be quashed on the grounds of mootness and irrelevancy, and because further discovery from Dr. Plotkin is not permitted under Pa. R.C.P. 4003(a)(3), as he has withdrawn from the case. It is further respectfully requested that a Protective Order be issued enjoining Wife's counsel from any further attempt to contact Dr. Plotkin or compel him to produce any documents or information.

**Additional Grounds To Quash the Subpoena  
And Issue a Protective Order<sup>4</sup>**

**A. The Discovery Is Undertaken in Bad Faith and/or Otherwise Violates Pa. R.C.P. 4011**

25. The volume and scope of the documents contemplated by the Subpoena is astonishing. It may well run into the tens of thousands of pages because the subject of the Subpoena concerns over 50 years of Dr. Plotkin's research, every study done on every vaccine, whether or not included in vaccine package inserts, and whether or not Dr. Plotkin worked on the particular vaccine.

26. Even the more limited discovery with the conditions set by Wife's counsel will require Dr. Plotkin to spend many, many hours of his time to review the contents of his library.

27. Pa. R.C.P. 4011 provides:

**Rule 4011. Limitation of Scope of Discovery.**

No discovery, including discovery of electronically stored information, shall be permitted which

(a) is sought in bad faith;

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<sup>4</sup> The court should not even need to reach this section because the reasons discussed above should be sufficient cause for the Court to Quash the Subpoena and issue a Protective Order.

(b) would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent or any person or party;

(c) is beyond the scope of discovery as set forth in Rules 4003.1 through 4003.6;

(d) is prohibited by any law barring disclosure of mediation communications and mediation documents; or

*Note:* Section 5949 of the Judicial Code, 43 Pa. C.S. § 5949, provides, with specified exceptions, that all mediation communications and mediation documents are privileged. See Section 5949(c) for definitions of mediation communication and mediation document.

(e) would require the making of an unreasonable investigation by the deponent or any party or witness.

28. The discovery sought by Wife's counsel is a vexatious and oppressive fishing expedition.
29. Compelling Dr. Plotkin to gather the documents will cause him unreasonable expense, time commitment, annoyance and burden.
30. Many of the documents sought by Wife's counsel are already in the public domain and available to counsel.
31. Dr. Plotkin should not be taken advantage of by being compelled to marshal information for Wife's counsel.
32. Additionally, many of the documents sought from Dr. Plotkin were long ago donated by him to the Philadelphia College of Physicians.
33. Further, the documents are not relevant to the Schmitt custody case at issue. By way of example, the Subpoena's Request For Documents includes documents related to the development of the polio vaccine at the Wistar Institute in Philadelphia in the 1950's and administration of the vaccine in the Belgian Congo. There are "conspiracy theorists" who assert, despite their theory having



long been scientifically debunked, that the vaccine had been developed in the Congo and was contaminated with HIV.

34. The point is that Wife's document request is so far removed from the Schmitt case involving childhood vaccination for school enrollment that the request is oppressive and unreasonable on its face.
35. Rather, it is believed and therefore averred, the real purpose of the document request is to enable Mr. Siri to milk Dr. Plotkin for information to assist Mr. Siri in his anti-vaccine movement/crusade in general, with cases he is currently handling and with matters he might handle in the future.
36. Mr. Siri and Dr. Plotkin are philosophically far apart on the issue of vaccination. Dr. Plotkin does not wish to see us turn the clock back in regard to immunization because of the efforts of misinformed people.
37. Counsel should not be permitted to use the vehicle of the February 9, 2018 Subpoena to exploit Dr. Plotkin's vast knowledge to further counsel's agenda. The subject of the Subpoena could involve thousands of professional articles, seeking as it does, information about all the vaccines' ingredients, active or otherwise, and would involve substantial time on Dr. Plotkin's part, diverting him from his current work, essentially compelling him to do Mr. Siri's work for him.

**WHEREFORE**, Movant respectfully requests that the Subpoena Duces Tecum be quashed on the grounds that the discovery violates Pa. R. C.P. 4011 in that it is sought in bad faith and/or "would cause unreasonable annoyance, embarrassment, oppression, burden or expense". It is further requested that a Protective Order be issued enjoining Wife's counsel from any further attempt to contact Dr. Plotkin or compel him to produce any documents or information.

#### **B. Non-Compliance With Procedural Rules**

38. 42 Pa. C.S. Sect. 5336 provides:

##### **§ 5336 Pennsylvania rules applicable**

The Pennsylvania Rules of Civil Procedure and any statutes relating to service of subpoenas and compliance with subpoenas shall apply to all subpoenas issued under this subchapter. Such rules shall include, but are not limited to, the following:

No. 4009.21 (relating to Subpoena Upon a Person Not a Party for Production of Documents and Things. Prior Notice. Objections).

No. 4009.22 (relating to Service of Subpoena).

No. 4009.23 (relating to Certificate of Compliance By a Person Not a Party. Notice of Documents or Things Received).

No. 4009.24 (relating to Notice of Intent to Serve Subpoena. Objection to Subpoena. Forms).

No. 4009.25 (relating to Certificate Prerequisite to Service of Subpoena. Form).

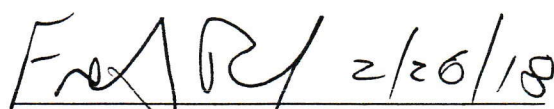
No. 4009.26 (relating to Subpoena to Produce Documents or Things. Form).

No. 4009.27 (relating to Certificate of Compliance. Form).

39. It does not appear that Wife's counsel complied with the statutory requirements of 42 Pa. C. S. Sect. 5336, particularly, but not limited to, the prior notice Discovery requirements of 4009.22, 4009.24 and 4009.25 incorporated into Section 5336.

**WHEREFORE**, Movant respectfully requests that the February 9, 2018 Bucks County Subpoena Duces Tecum be quashed on the grounds that the discovery violates 42 Pa. C. S. Sect. 5336, and Pa. R. C.P. 4009.21-4009.27 incorporated into said statute. It is further requested that a Protective Order be issued, enjoining Wife's counsel from any further attempt to contact Dr. Plotkin or compel him to produce any documents or information.


Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Fred Rubin", followed by the date "2/26/18".

Fredric D. Rubin, Esquire  
Attorney for Stanley A. Plotkin, MD  
Attorney I.D. No. 21263

VERIFICATION

I, Stanley A. Plotkin, MD, verify that the statements made in the attached Motion to Quash Subpoena/Motion for Protective Order are true and correct to the best of my knowledge, information, belief and understanding. I understand that knowingly false statements herein are made subject to the penalty of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.



A handwritten signature in black ink, appearing to read 'Stanley A. Plotkin', is written over a horizontal line.

Date: Feb. 26, 2018

**EXHIBIT A**

## **CURRICULUM VITAE**

June 2017

**Stanley A. PLOTKIN, M.D.**

**Emeritus Professor of Pediatrics, University of Pennsylvania**

**Emeritus Professor of Wistar Institute**

**Adjunct Professor of International Health, Johns Hopkins University**

**Vaxconsult LLC.**

### Office & Home Address :

4650 Wismer Road  
Doylestown, PA 18902  
U.S.A.

Work Telephone : (215) 297-9321  
Fax : (215) 297-9323  
E-mail: stanley.plotkin@vaxconsult.com

Date of Birth: May 12, 1932

Place of Birth New York, New York

Marital Status: Married to Susan Lannon Plotkin  
Children: Michael, Alec

Education: 1948-1952 BA New York University  
1952-1956 MD S.U.N.Y College of Medicine, Brooklyn

### Postgraduate Training and Fellowship Appointments:

1956-1957 Rotating Internship, Cleveland Metropolitan Hospital  
1961-1962 Resident in Pediatrics, Children's Hospital of Philadelphia  
1962-1963 Resident in Pediatrics, Hospital for Sick Children, London

### Government Service:

1957-60 Senior Assistant Surgeon, Epidemic Intelligence Service, USPHS

### Specialty Certification:

1965 American Board of Pediatrics  
1988 Pediatric Infectious Diseases Society

Licensure: Pennsylvania, License 5289E

### Faculty Appointments:

1959-61 Instructor in Pediatrics, University of Pennsylvania, Philadelphia  
1960-61 Associate Member, Wistar Institute of Anatomy and Biology, Philadelphia  
1963-74 Associate Member, Wistar Institute of Anatomy and Biology, Philadelphia  
1964-65 Associate in Pediatrics, University of Pennsylvania, Philadelphia  
1966-71 Assistant Professor of Pediatrics, University of Pennsylvania, Philadelphia  
1971-74 Associate Professor of Pediatrics, University of Pennsylvania, Philadelphia  
1974-77 Member, Wistar Institute of Anatomy and Biology, Philadelphia  
1974-91 Professor of Pediatrics, University of Pennsylvania, Philadelphia  
1977-91 Professor, Wistar Institute of Anatomy and Biology, Philadelphia  
1981-91 Professor of Microbiology, University of Pennsylvania, Philadelphia

1991- Professor Emeritus of Pediatrics, University of Pennsylvania, Philadelphia  
1991 Professor Emeritus of Virology, Wistar Institute  
2002- Adjunct Professor of International Health, Johns Hopkins University

Advisory Board Memberships:

1998-2010 Board Member, International AIDS Vaccine Initiative  
2002- Board Member, Pediatric Dengue Vaccine Initiative

Hospital and Administrative Appointments:

1965-73 Associate Physician, Children's Hospital of Philadelphia  
1969-90 Director, Division of Infectious Diseases, Children's Hospital of Philadelphia  
1973-91 Senior Physician, Children's Hospital of Philadelphia  
1978-90 Chief, Infection Control Department, Children's Hospital of Philadelphia  
1984-86 President, Medical Staff, Children's Hospital of Philadelphia  
1986-88 Associate Chairman, Department of Pediatrics, Univ. of Pennsylvania

Positions in Industry:

1991-97 Medical and Scientific Director, Pasteur Mérieux Connaught Vaccines, Paris  
1997-2009 Executive Advisor to CEO, Sanofi Pasteur

Awards:

James D. Bruce Award for Preventive Medicine, from American College of Physicians, 1987  
Distinguished Physician Award, Pediatric Infectious Diseases Society, 1993  
Clinical Virology Award, Pan American Group for Rapid Viral Diagnosis, 1995  
French Legion of Honor Medal (Chevalier), 1998  
Distinguished Alumnus Award of the Children's Hospital of Philadelphia, 2001  
Sabin Foundation Gold Medal, 2002  
Fleming (Bristol) Award of the Infectious Diseases Society of America, 2004  
Honorary Lifetime Member, Assoc. of Pharmaceutical Physicians and Investigators, 2005  
Elected to Institute of Medicine, National Academy of Sciences, 2005  
Distinguished Alumnus, University of Pennsylvania, 2006  
Marshall Award, European Society of Pediatric Infectious Diseases, 2006  
Children's Hospital of Philadelphia, Gold Medal, 2006  
Fondation Mérieux Medal, 2007  
Richard Day Master Teacher in Pediatrics Award of the Alumni Association of  
New York Downstate Medical College  
Elected to French National Academy of Medicine, 2007  
Honorary Masters Degree from the University of Pennsylvania  
Honorary Doctoral Degree from the University of Rouen (France), 2006  
Honorary Member of the Hungarian Society of Microbiology, 2007  
British Medical Association Medical Book Competition Award, Vaccines, 5<sup>th</sup> Edition, 2008  
Honorary Doctoral Degree from the University Complutense of Madrid (Spain), 2009  
Honorary Appointed Member, Spanish Association of Pediatrics, Vaccine Committee, 2009  
Maxwell Finland Award, National Foundation Infectious Diseases, 2009  
Maurice Hilleman Award in Vaccinology, American Society Microbiology, 2009  
Career Award, Association for Clinical and Translational Medicine, 2013  
Caspar Wistar Award, Wistar Institute of Biological Research, 2013

### Honors:

Founding President, Pediatric Infectious Diseases Club, 1978-83  
Trustee and Founding Father, Pediatric Infectious Diseases Society, 1983-  
Committee on Infectious Diseases, American Academy of Pediatrics, 1982-1990  
Chairman, Committee on Infectious Diseases, American Academy of Pediatrics, 1987-1990  
Liaison member of the Advisory Committee on Immunization Practices, 1987-1990  
Chairman, Task Force on Pediatrics AIDS, American Academy of Pediatrics, 1988-1992  
Microbiology and Infectious Diseases Research Committee, NIH 1983-87  
Chairman, Microbiology and Infectious Diseases Research Committee, NIH, 1986-1987  
Member, National Vaccine Advisory Committee (Dept. of Health and Human Services),  
1988-1989 and 1997 -  
President, Pan American Group for Rapid Viral Diagnosis, 1983-1986  
Who's Who in America, 1978-  
Who's Who in the World, 1999-  
Trustee, Pennsylvania Pro Musica, 1983-1986  
Arthur K. Saz Lecturer, Georgetown University, 1986  
Haker Lecturer, Milwaukee Children's Hospital, 1987  
Hattie Alexander Lecturer, Columbia University Babies Hospital, 1988  
Neter Lecturer, Buffalo Children's Hospital, 1989  
Krugman Lecturer, New York University Medical Center, 2005  
Wanamaker Lecturer, University of Maryland, 2005  
President, World Society for Pediatric Infectious Diseases, 2003-2005  
Elected Fellow American Association for the Advancement of Science, 2003-  
Stanley A. Plotkin endowed lectureship at Pediatric Academic Societies, 2004-  
Stanley A. Plotkin lectureship in International Advanced Vaccinology Course, Annecy, France 2007-  
Stanley A. Plotkin lectureship in Vaccinology, DNA Vaccine Society, 2010-  
Stanley A. Plotkin Professorship, Children's Hospital of Philadelphia, 2010-

### Memberships in Professional and Scientific Societies:

American Academy of the Advancement of Science  
Society for Pediatric Research  
American Society for Microbiology  
Infectious Diseases Society of America  
American Epidemiologic Society  
American Association of Immunologists  
American Society for Virology  
Pan American Group for Rapid Viral Diagnosis  
Pediatric Infectious Disease Society  
Philadelphia College of Physicians  
Pennsylvania Medical Society  
European Society for Clinical Virology (Corresponding Member)  
European Society for Pediatric Infectious Diseases

### Editorial Positions:

#### Past

American Journal of Epidemiology  
Clinical Pediatrics  
Pediatric Infectious Diseases  
Proceedings of the Society for Experimental Biology and Medicine  
Annales de l'Institut Pasteur (Virology)

Molecular and Cellular Probes  
Infectious Agents and Diseases  
Perspectives in Infectious Diseases

Current

Vaccine (American Editor) until 1991, Editorial Board 1991-  
Human Vaccines  
Clinical Infectious Diseases (Section Editor)  
Clinical & Vaccine Immunology (Section Editor)  
Biologicals (Section Editor)  
J Human Virology  
Virologie  
Vacunas

Books Edited

Vaccines, 1<sup>st</sup> Ed. 1988, W.B. Saunders  
2<sup>nd</sup> Ed. 1994 " "  
3<sup>rd</sup> Ed. 1999 " "  
4<sup>th</sup> Ed. 2003 Elsevier  
5<sup>th</sup> Ed. 2008 Saunders-Elsevier  
6<sup>th</sup> Ed. 2013, Elsevier  
Multidisciplinary Approach to Understanding Cytomegalovirus Disease, 1993, Excerpta Medica  
Vaccinia, Vaccination, Virology 1995, Elsevier  
The World's Debt to Pasteur 1985, Wistar Institute Press  
Strains of Human Viruses 1972, Karger  
History of Vaccine Development, 2011, Springer

Principal Investigator of Grants: (In 1990, before leaving University of PA)

Prevention of CMV Disease, NIH-RO1-HD18957-22  
Virology and Infectious Diseases (Training Grant), NIH-5-732-AIO7278-05  
Live Attenuated Cytomegalovirus Vaccine, NIH-FO-R-000267-02  
Enhancement of HIV Infection by Cytomegalovirus, NIH-RO1-AI25822-02  
Role of HIV in AIDS and AIDS Associated Neoplasms, NIH-5-PO1-AI25380-02  
AIDS Research Laboratory, Brandywine Valley Hemophilia Foundation  
Mérieux Cytomegalovirus Project, Mérieux Institute  
Mérieux Rotavirus Project, Mérieux Institute

Major Teaching and Clinical Responsibilities at the University of Pennsylvania:

1. Infectious Diseases attending 3 months/year (1972 - 1991)
2. General Pediatrics attending, 1 month/year (1972 - 1991)
3. Pediatric infectious diseases (PE365) teacher (1972 - 1991)
4. Lecturer in Mechanisms of Infection course in Microbiology (until 1991)
5. Lecturer in Infectious Diseases (current)
6. Lecturer in Vaccinology (current)



Vaccines Developed:

Rubella vaccine, RA27/3 strain: now manufactured and used in the United States and throughout the world.  
Cytomegalovirus vaccine, Towne strain  
Type 3 polio vaccine, WM-3 further attenuated strain  
Varicella vaccine, Webster strain  
Rabies vaccine, human diploid cell (assisted H. Koprowski and T. Wiktor)  
Rotavirus vaccine, WC3 bovine-human pentavalent reassortants (with HF Clark and P Offit),  
Now licensed as RotaTeq.

## Bibliography :

1. Plotkin SA: The A-B-O blood groups in relation to prematurity and stillbirth. *J Pediatr* 52:42-47, 1958.
2. Plotkin SA, Austrian R: Bacteremia caused by *Pseudomonas* Sp. following the use of materials stored in solutions of cationic surface active agent. *Am J Med Sci* 235:621-627, 1958.
3. VanNess GB, Plotkin SA, Huffaker RH, and Evans WG: The Oklahoma-Kansas anthrax epizootic of 1957. *JAVMA* 134:125-129, 1959.
4. Plotkin SA, Jervis G, Norton T, Stokes J Jr. and Koprowski H: Persistence of antibodies after vaccination with living attenuated poliovirus. *JAMA* 170:8-12, 1959.
5. Plotkin SA, Koprowski H, Stokes J, Jr.: Clinical trials in infants of orally administered attenuated poliomyelitis viruses. *J Pediatr* 23:1041-1062, 1959.
6. Koprowski H, Plotkin SA, Pagano JS, Norton TW, and Stokes JJr.: Behavior of attenuated strains of poliomyelitis virus in relation to age, familial spread, and duration of immunity. IN : *Live Polio Virus Vaccines: Proceedings of the First International Conference. Scientific Publication No. 44 of the Pan American Sanitary Bureau, Washington, DC 159-171, 1959.*
7. Plotkin SA, Koprowski H: Epidemiological study of safety and efficacy of vaccination with the CHAT strain of attenuated poliovirus in Leopoldville, Belgian Congo. IN *Live Polio Virus Vaccines: Proceedings of the First International Conference. Scientific Publication No. 44 of the Pan American Sanitary Bureau, Washington, DC 419-439, 1959.*
8. Lebrun A, Cerf J, Gelfand HM, Courtois G, Plotkin SA, and Koprowski H: Vaccination with the CHAT strain of type I attenuated poliomyelitis virus in Leopoldville, Belgian Congo. I. Description of the city, its history of poliomyelitis, and the plan of vaccination campaign. *Bull World Health Org* 22:203-213, 1960.
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**EXHIBIT B**

Approved, SCAO

Original - Return  
1st copy - Witness  
2nd copy - File  
3rd copy - Extra

STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBABE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2015-831539-DM
--	--	----------------------------

Court address: 1200 N. Telegraph Rd., Pontiac, MI 48341  
 Court telephone no. (248) 858-0582  
 Police Report No. (if applicable)

Plaintiff(s)/Petitioner(s) <input type="checkbox"/> People of the State of Michigan <input checked="" type="checkbox"/> Lori Ann Matheson f/k/a Lori Ann Schmitt	v	Defendant(s)/Respondent(s) Michael Schmitt
<input checked="" type="checkbox"/> Civil <input type="checkbox"/> Criminal		Charge
<input type="checkbox"/> Probate In the matter of _____		

In the Name of the People of the State of Michigan. TO:  
 Dr. Stanley Plotkin, 4650 Wismer Road, Doylestown, PA 18902

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

**YOU ARE ORDERED:**

1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.

The court address above     Other: Michael W. Reeds. P.C. 1038 E. West Maple Rd., Walled Lake, MI 48390

Day Friday	Date January 19, 2018	Time 8:30 a.m.
---------------	--------------------------	-------------------

- 2. Testify at trial / examination / hearing.
- 3. Produce/permit inspection or copying of the following items: See attached. Also see #7 below.
- 4. Testify as to your assets, and bring with you the items listed in line 3 above.
- 5. Testify at deposition.
- 6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property is attached.
- 7. Other: Your attendance is not required if the requested documents are received on or before January 19, 2018.

8. Person requesting subpoena: Amy M. Ruby, Esq. Telephone no. (248) 624-4044

Address 1038 E. West Maple Rd.		
City Walled Lake	State MI	Zip 48390



NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6, this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

**FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.**

Date: 01/12/2018  
 Judge/Clerk/Attorney: *Amy Ruby*  
 Bar no.: P71718

Court use only	
<input type="checkbox"/> Served	<input type="checkbox"/> Not served

ATTACHMENT TO SUBPOENA

INSTRUCTIONS

1. In responding to these Requests for Production of Documents pursuant to MCR 2.310, you are to obtain and furnish for inspection and copying all documents in your possession, custody or control, or which are otherwise available to you, including, but not limited to, documents in the possession of your representatives, employees, agents, servants and/or attorneys.

2. If you withhold any document or information on the allegation that such document is unable to be reproduced, you are to: (a) identify the nature of the document; (b) identify the subject matter of the document; (c) identify the author and all addressees or recipients of the document; (d) identify the date of the document; and (e) set forth the explanation for the allegation that the document is unable to be produced or reproduced on paper.

3. If you withhold any document on the allegation that a document is privileged or confidential, you are to: (a) identify the nature of the document; (b) identify the subject matter of the document; (c) identify the date of the document; (d) identify the author and all addressees or recipients of the document; and (e) state the specific factual and legal basis for the allegation that the document is privileged or confidential.

4. If any document was, but no longer is, in your possession, custody or subject to your control, or in existence, state the date and nature of the document. If any document has been destroyed, for each such document, state when it was destroyed, identify the person who destroyed it and the person who directed that it be destroyed. Also, detail the reasons for the destruction; describe the nature of the document; identify the persons who created, sent and received the document; state the date of the document; and state in as much detail as possible the contents of the document.

DEFINITIONS

As used in these Requests for Production of Documents, the following terms are defined and used consistently, as follows:

1. "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of the scope.

2. "all," "any," and "each" shall each be construed as encompassing any and all.

3. "Communications" means every manner of transmitting and receiving facts, information, opinion and thoughts, whether orally, by document, writing or copy thereof, in conferences or conversations, or otherwise, including but not limited to, oral statements, telephone

conversations, electronic transmission, fax, e-mail, data transfer, voicemail, text messages, negotiations, conferences and meetings.

4. "Concerning" means relating to, relate to, consisting of, referring to, reflecting, describing, regarding, concerning, evidencing, constituting, received from, addressed to, sent to, alluding to, responding to, recording, announcing, explaining, evaluating, discussing, showing, describing, studying, reflecting, analyzing, consulting or having any logical or factual connection with the matter discussed.

5. The word "Documentation", "document" or "documents" is used in the broadest means possible under Michigan law and means any record of any kind, whether written, graphic, pictorial, photographic, phonographic, mechanical, taped, electronic, or otherwise, and every non-identical copy, now or formerly in your possession, custody or control. It includes, but is not limited to: papers; publications; draft; telex messages; memoranda (whether formal, informal, to the file, or otherwise); notes; notations; interviews; notes of interviews; synopses of interviews; data; work papers; diaries; agenda; bulletins; notices; announcements; minutes; folios; inter-office communications; intra-departmental communications (whether formal, informal, or otherwise, correspondence; books; transcripts; affidavits; statements; summaries; opinions; court pleadings; stenographic notes; indices; analyses; questionnaires; answers to questionnaires; telephone logs; lists; minutes of meetings and other minutes; test reports; performance reports and other reports; records; recordings of telephone conversations, interviews, conferences, meetings or other conversations; forms; studies; plans; specifications; evaluations; contracts; agreements; licenses; invoices; checks; drafts; vouchers; ledgers; journals; books or records of account; bills; receipts; desk calendars; appointment books; calculations; charts; graphs; maps; surveys; drawings; schematics; data sheets; photographs; microfilms, price lists; tabulations; bids; bid materials; quotations; supplements; amendments; addenda; blueprints; statements of account; orders; purchase orders; brochures; pamphlets; manuals; warranties; literature; inspection reports; operation reports; maintenances reports; notebooks; communiques; request for change orders; change orders; requests for information; requests for drawing approval; drawing approvals; punch lists; schedules; job calendars; case flow studies; computer studies; computer tapes and discs; magnetic tapes; punch cards; computer programs; computer processing input and output; computer programs; computer program coding sheets; any retrievable data, whether in computer storage, carded, taped, coded or stored electrostatically, electromagnetically or otherwise, and all transcripts thereof; programming instructions and other material necessary to understand the above-mentioned computer-related items; all other records kept by electronic, photographic or mechanical means; all other writings; and all things similar to any of the foregoing, regardless of their author or origin, however dominated.

6. "Package Insert" refers to the Package Insert of a vaccine and a copy of the Package Insert for each vaccine is available at:  
<https://www.fda.gov/BiologicsBloodVaccines/Vaccines/ApprovedProducts/ucm093833.htm>

7. "CDC's Childhood Vaccine Schedule" means the Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger available at:  
<https://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-child-combined-schedule.pdf>

8. "Vaccine Ingredient" means the list of vaccine ingredients published in Vaccine Excipient & Media Summary available at:  
<https://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf>

9. "you or your" refers to Stanley A. Plotkin deposed in the Lawsuit on January 11, 2018.

10. "Lawsuit" means the action titled *Lori Matheson f/k/a Lori Ann Schmitt v. Michael Schmitt*, Case No. 2015-831539-DM pending before the Circuit Court for the County of Oakland, State of Michigan.

11. "Defendant" means the defendant Michael Schmitt in the lawsuit.

#### REQUEST FOR PRODUCTION OF DOCUMENTS

1. All Communications Concerning this Lawsuit, including but not limited to Communications with Karen Ernst. This request excludes Communications that were solely with Defendant's counsel.

2. Documentation reflecting the duration of the safety review period and placebo control used for each clinical trial reflected in the Package Insert for each vaccine on the CDC's Childhood Vaccine Schedule to the extent not already reflected in the Package Insert.

3. Documentation of clinical trial(s) reflecting the safety profile of the cumulative exposure of the vaccines recommended during the first two (2) years of life in the CDC's Childhood Vaccine Schedule, including the safety profile for children with a family history of autoimmunity.

4. Documentation countering the peer-reviewed literature reflecting that aluminum adjuvants used in vaccines are taken up by macrophages, transported to brain tissue, and cause immune activation and the release of IL-6 in the brain.

5. Documentation reflecting the safety profile for each Vaccine Ingredient for each vaccine on the CDC's Childhood Vaccine Schedule, including but not limited to monkey kidney cells, calf serum, guinea pig cell cultures, pig gelatin, lactose, yeast, egg protein, human diploid cells, human diploid lung fibroblasts, human albumin, human DNA, human proteins, PCV-1, and PCV-2.



6. All letters cited in your article "Postscript relating to new allegations made by Edward Hooper at The Royal Society Discussion Meeting on 11 September 2000" and all papers and documents in your personal files and elsewhere upon which you based your article entitled "Untruths and Consequences: the false hypothesis linking CHAT type 1 polio vaccination to the origin of human immunodeficiency virus" which are not publicly accessible at the library of the College of Physicians of Philadelphia.

7. Documentation reflecting the total amount of payments or any other remuneration you have received from any company or other entity developing and/or selling any vaccine. This request includes any such payments and remuneration you have received directly or indirectly through any company or other entity in which you have a direct or indirect ownership interest.

8. Documentation reflecting the total amount of payments or any other remuneration you have received related to the sale of any vaccine, including sales of Rotateq and any rubella vaccine (including in any combination product such as MMR, MMRV, MMR II). This request includes any such payments and remuneration you have received directly or indirectly through any company or other entity in which you have a direct or indirect ownership interest.

**EXHIBIT C**



COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF BUCKS

Lori Ann Matheson,  
f/k/a Lori Ann Schmitt,  
Plaintiff,

vs.

Michael Schmitt,  
Defendant

File No. \_\_\_\_\_  
Oakland County Circuit Court  
1200 N. Telegraph Rd., Pontiac, Michigan 48341  
Case No. 2015-831539-DM

**SUBPOENA TO PRODUCE DOCUMENTS OR THINGS  
FOR DISCOVERY PURSUANT TO RULE 4009.22**

TO: Dr. Stanley Plotkin, 4650 Wismer Road, Doylestown, PA 18902  
(Name of Person or Entity)

Within twenty (20) days after service of this subpoena, you are ordered by the court to produce the following documents or things: see attached.

Your attendance is not required if the requested documents are received within twenty days after service of this subpoena.  
at Michael W. Reeds, P.C. 1038 E. West Maple Rd., Walled Lake, MI 48390  
(Address)

You may deliver or mail legible copies of the documents or produce things requested by this subpoena, together with the certificate of compliance, to the party making this request at the address listed above. You have the right to seek in advance the reasonable cost of preparing the copies or producing the things sought.

If you fail to produce the documents or things required by this subpoena within twenty (20) days after its service, the party serving this subpoena may seek a court order compelling you to comply with it.

THIS SUBPOENA WAS ISSUED AT THE REQUEST OF THE FOLLOWING PERSON:

NAME: Amy M. Ruby, Esq.

ADDRESS: 1038 E. West Maple Rd.  
Walled Lake, MI 48390

TELEPHONE: (248) 624-4044

SUPREME COURT ID # P71718

ATTORNEY FOR: Plaintiff Lori Matheson

BY THE COURT:

Judith J. Reiss  
Prothonotary

Deputy

Date: Feb 19, 2018  
Seal of the Court

Completed Subpoena must be signed and sealed by the Prothonotary before service

(Rev 12/17)

**RETURN OF SERVICE:**

On the \_\_\_\_\_ day of \_\_\_\_\_

I, \_\_\_\_\_

served \_\_\_\_\_  
(name of person served) with  
the foregoing subpoena by:  
(Describe method of service)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I verify that the statements in this  
return of service are true and correct. I  
understand that false statements  
herein are made subject to the  
penalties of 18 Pa.C.S.A. § 4904  
relating to unsworn falsification to  
authorities.

DATE: \_\_\_\_\_

\_\_\_\_\_  
(signature)

Approved: SCAC

Original - Return  
1st copy - Witness  
2nd copy - File  
3rd copy - Extra

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce	CASE NO. 2015-831539-DM
--	--	----------------------------

Court address: 1200 N. Telegraph Rd., Pontiac, MI 48341  
 Court telephone no.: (248) 858-6382

Plaintiff(s)/Petitioner(s): People of the State of Michigan  
 v. Defendant(s)/Respondent(s): Michael Schmitt  
 ✓ Lori Ann Matheson  
 f/k/a Lori Ann Schmitt

Civil  Criminal  Charge  
 Probate in the matter of

In the Name of the People of the State of Michigan TO:  
 Dr. Stanley Plotkin, 4650 Wismer Road, Doyestown, PA 18902

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

**YOU ARE ORDERED:**

1. to appear personally at the time and place stated below. You may be required to appear from time to time and day to day until excused.  
 The court address above  Other: Michael W. Reeds, P.C. 1038 E. West Maple Rd., Walled Lake, MI 48390  
 Day: Friday Date: January 19, 2018 Time: 8:30 a.m.

- 2. Testify at trial / examination / hearing.
- 3. Produce/permit inspection or copying of the following items. See attached. Also see #1 below.
- 4. Testify as to your assets and bring with you the items listed in line 3 above.
- 5. Testify at deposition.
- 6. MCL 600.6104(2), 600.6115, or 600.6119 prohibition against transferring or disposing of property is attached.
- 7. Other: Your attendance is required at the deposition of the Plaintiff and yourself on or before January 19, 2018.

2. a. Name of deponent: Amy M. Ruby, Esq.  
 Address: 1038 E. West Maple Rd.  
 City: Walled Lake State: MI Zip: 48390



NOTE: In issuing a deponent examination order under MCL 600.6115, an enforcement order under MCL 600.6119 shall be issued by a judge. For a deponent examination or the affidavit of deponent examination on the other side of this form must also be completed. Deponent's assets can also be protected through MCL 600.6119 which treats the need for an affidavit of deponent examination or issuance of this subpoena by a judge.

**FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.**

Date: 01/12/2018  
 Judge/Clerk/Attorney: [Signature] PTT:TS  
 Court use only: Served  Not served

ATTACHMENT TO SUBPOENA

INSTRUCTIONS

1. In responding to these Requests for Production of Documents pursuant to MCR 2.310, you are to obtain and furnish for inspection and copying all documents in your possession, custody or control, or which are otherwise available to you, including, but not limited to, documents in the possession of your representatives, employees, agents, servants and/or attorneys.

2. If you withhold any document or information on the allegation that such document is unable to be reproduced, you are to: (a) identify the nature of the document; (b) identify the subject matter of the document; (c) identify the author and all addressees or recipients of the document; (d) identify the date of the document; and (e) set forth the explanation for the allegation that the document is unable to be produced or reproduced on paper.

3. If you withhold any document on the allegation that a document is privileged or confidential, you are to: (a) identify the nature of the document; (b) identify the subject matter of the document; (c) identify the date of the document; (d) identify the author and all addressees or recipients of the document; and (e) state the specific factual and legal basis for the allegation that the document is privileged or confidential.

4. If any document was, but no longer is, in your possession, custody or subject to your control, or in existence, state the date and nature of the document. If any document has been destroyed, for each such document, state when it was destroyed, identify the person who destroyed it and the person who directed that it be destroyed. Also, detail the reasons for the destruction; describe the nature of the document; identify the persons who created, sent and received the document; state the date of the document; and state in as much detail as possible the contents of the document.

DEFINITIONS

As used in these Requests for Production of Documents, the following terms are defined and used consistently, as follows:

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2. "all," "any," and "each" shall each be construed as encompassing any and all.

3. "Communications" means every manner of transmitting and receiving facts, information, opinion and thoughts, whether orally, by document, writing or copy thereof, in conferences or conversations, or otherwise, including but not limited to, oral statements, telephone

conversations, electronic transmission, fax, e-mail, data transfer, voicemail, text messages, negotiations, conferences and meetings.

4. "Concerning" means relating to, relate to, consisting of, referring to, reflecting, describing, regarding, concerning, evidencing, constituting, received from, addressed to, sent to, alluding to, responding to, recording, announcing, explaining, evaluating, discussing, showing, describing, studying, reflecting, analyzing, consulting or having any logical or factual connection with the matter discussed.

5. The word "Documentation", "document" or "documents" is used in the broadest means possible under Michigan law and means any record of any kind, whether written, graphic, pictorial, photographic, phonographic, mechanical, taped, electronic, or otherwise, and every non-identical copy, now or formerly in your possession, custody or control. It includes, but is not limited to: papers; publications; draft; telex messages; memoranda (whether formal, informal, to the file, or otherwise); notes; notations; interviews; notes of interviews; synopses of interviews; data; work papers; diaries; agenda; bulletins; notices; announcements; minutes; folios; inter-office communications; intra-departmental communications (whether formal, informal, or otherwise, correspondence; books; transcripts; affidavits; statements; summaries; opinions; court pleadings; stenographic notes; indices; analyses; questionnaires; answers to questionnaires; telephone logs; lists; minutes of meetings and other minutes; test reports; performance reports and other reports; records; recordings of telephone conversations, interviews, conferences, meetings or other conversations; forms; studies; plans; specifications; evaluations; contracts; agreements; licenses; invoices; checks; drafts; vouchers; ledgers; journals; books or records of account; bills; receipts; desk calendars; appointment books; calculations; charts; graphs; maps; surveys; drawings; schematics; data sheets; photographs; microfilms, price lists; tabulations; bids; bid materials; quotations; supplements; amendments; addenda; blueprints; statements of account; orders; purchase orders; brochures; pamphlets; manuals; warranties; literature; inspection reports; operation reports; maintenances reports; notebooks; communiqués; request for change orders; change orders; requests for information; requests for drawing approval; drawing approvals; punch lists; schedules; job calendars; case flow studies; computer studies; computer tapes and discs; magnetic tapes; punch cards; computer programs; computer processing input and output; computer programs; computer program coding sheets; any retrievable data, whether in computer storage, carded, taped, coded or stored electrostatically, electromagnetically or otherwise, and all transcripts thereof; programming instructions and other material necessary to understand the above-mentioned computer-related items; all other records kept by electronic, photographic or mechanical means; all other writings; and all things similar to any of the foregoing, regardless of their author or origin, however dominated.

6. "Package Insert" refers to the Package Insert of a vaccine and a copy of the Package insert for each vaccine is available at:  
<http://www.fda.gov/oc/ohrt/ceov/vaccines/VaccinesApprovedProductsucm093831.htm>

7. "CDC's Childhood Vaccine Schedule" means the Recommended Immunization Schedule for Children and Adolescents Aged 18 Years or Younger available at:  
<https://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-child-combined-schedule.pdf>

8. "Vaccine Ingredient" means the list of vaccine ingredients published in Vaccine Excipient & Media Summary available at:  
<https://www.cdc.gov/vaccines/pubs/pinkbook/downloads/appendices/b/excipient-table-2.pdf>

9. "you or your" refers to Stanley A. Plotkin deposed in the Lawsuit on January 11, 2018.

10. "Lawsuit" means the action titled *Lori Matheson f k a Lori Ann Schmitt v. Michael Schmitt*, Case No. 2015-831539-DM pending before the Circuit Court for the County of Oakland, State of Michigan.

11. "Defendant" means the defendant Michael Schmitt in the lawsuit.

### REQUEST FOR PRODUCTION OF DOCUMENTS

1. All Communications Concerning this Lawsuit, including but not limited to Communications with Karen Ernst. This request excludes Communications that were solely with Defendant's counsel.

2. Documentation reflecting the duration of the safety review period and placebo control used for each clinical trial reflected in the Package Insert for each vaccine on the CDC's Childhood Vaccine Schedule to the extent not already reflected in the Package Insert.

3. Documentation of clinical trial(s) reflecting the safety profile of the cumulative exposure of the vaccines recommended during the first two (2) years of life in the CDC's Childhood Vaccine Schedule, including the safety profile for children with a family history of autoimmunity.

4. Documentation countering the peer-reviewed literature reflecting that aluminum adjuvants used in vaccines are taken up by macrophages, transported to brain tissue, and cause immune activation and the release of IL-6 in the brain.

5. Documentation reflecting the safety profile for each Vaccine Ingredient for each vaccine on the CDC's Childhood Vaccine Schedule, including but not limited to monkey kidney cells, calf serum, guinea pig cell cultures, pig gelatin, lactose, yeast, egg protein, human diploid cells, human diploid lung fibroblasts, human albumin, human DNA, human proteins, PCV-1, and PCV-2.



6. All letters cited in your article "Postscript relating to new allegations made by Edward Hooper at The Royal Society Discussion Meeting on 11 September 2000" and all papers and documents in your personal files and elsewhere upon which you based your article entitled "Untruths and Consequences: the false hypothesis linking CHAT type 1 polio vaccination to the origin of human immunodeficiency virus" which are not publicly accessible at the library of the College of Physicians of Philadelphia.

7. Documentation reflecting the total amount of payments or any other remuneration you have received from any company or other entity developing and/or selling any vaccine. This request includes any such payments and remuneration you have received directly or indirectly through any company or other entity in which you have a direct or indirect ownership interest.

8. Documentation reflecting the total amount of payments or any other remuneration you have received related to the sale of any vaccine, including sales of Rotateq and any rubella vaccine (including in any combination product such as MMR, MMRV, MMR II). This request includes any such payments and remuneration you have received directly or indirectly through any company or other entity in which you have a direct or indirect ownership interest.

**EXHIBIT D**

CARL-GUNNAR KARLSTROM  
STUART B. COONEY  
KATHRYN M. CARUSO, PC\*  
PETER M. KEENAN  
JOHN W. STECKLING  
TIMOTHY P. FLYNN\*\*  
BETH SCHLOSSER  
TIMOTHY P. CRAWFORD  
LAURA L. NIEUSMA

\* Also Admitted in New York  
\*\* Public Administrator - Serving  
Oakland County

## KARLSTROM COONEY

LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

6480 CITATION DRIVE, SUITE A  
CLARKSTON, MICHIGAN 48346-2945  
www.karlstromcooney.com

TELEPHONE (248) 625-0600  
FACSIMILE (248) 625-6996

WRITER'S EXTENSION  
218

WRITER'S E-MAIL ADDRESS  
lnieusma@clarkstonlegal.com

February 23, 2018

Fredric D. Rubin, Esq.  
Law Office of Fredric D. Rubin  
2 Firewood Drive  
Holland, PA 18966

Re: Stanley Plotkin, MD in the Oakland County, Michigan matter *Schmitt v. Schmitt*

Dear Mr. Rubin:

As you know, I represent the Husband, Michael Schmitt, in the above custody case pending in Oakland County, Michigan. The Wife is Lori Ann Schmitt, and she is represented by Amy Ruby, Esquire. The litigation concerns Mrs. Schmitt's opposition to the administration to the Schmitt's 3 year old child of the vaccines recommended by the minor child's pediatrician. Mr. Schmitt wants their child to be inoculated.

I retained the internationally known and respected vaccination expert, Stanley Plotkin, MD of Doylestown, Pennsylvania. Dr. Plotkin, submitted to a videotaped deposition in January 2018. The deposition lasted 10 hours. The deposition was not conducted by Ms. Ruby, but rather by Aaron Siri, Esquire of Siri Glimstad, LLP, a Park Avenue, New York City law firm which handles vaccination litigation including class action lawsuits against vaccine manufacturers. It is no secret that Mr. Siri is involved in the anti-vaccine movement.

Subsequent to Dr. Plotkin's exhaustive deposition, Ms. Ruby issued a Subpoena Duces Tecum to obtain from Dr. Plotkin an extremely voluminous production of documents. It is my understanding that the Requested Documents could run into the thousands of pages. Dr. Plotkin felt very understandably harassed by the discovery and advised me that he declined to remain in the case. I so notified Ms. Ruby. Nevertheless, Ms. Ruby domesticated the Michigan Subpoena into Bucks County, Pennsylvania on or about February 9, 2018 to continue to pursue discovery against Dr. Plotkin notwithstanding that he withdrew from the case. It is at that point that you became involved.

Prior to your involvement, I filed a Motion to Quash the Subpoena and for related relief. I had other motions pending in the Schmitt matter that were scheduled for the same day. Ms. Ruby also filed a Motion. The Motions were scheduled for hearing on February 14, 2018. We did not go on the record in front of the judge. We first appeared before a Friend of the Court Referee. One of the issues raised was that it should be Dr. Plotkin raising the Motion to Quash issues. I did not disagree with this

point; I also note that I do not represent Dr. Plotkin. I understand that you will be pursuing a Motion to Quash in Bucks County, Pennsylvania.

It is also important to understand that the agreed Order entered by Judge McDonald of the Oakland County, Michigan Court on February 14, 2018, was not an adjudication on the merits regarding the Motion to Quash. The custody case in Oakland County will proceed with medical evidence but without either side calling a vaccine expert.

I understand that you will use this letter to inform the Bucks County Court of Common Pleas of the context leading to entry of the agreed Order by Judge McDonald denying the Motion to Quash which I filed.

Yours,

Handwritten signature of Laura Nieusma in cursive script.

Laura Nieusma, Esq

KARLSTROM COONEY, LLP

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SCHMITT, LORI, ANN,

Plaintiff,

v

SCHMITT, MICHAEL, WILLIAM,

Defendant,

NO: 2015-831539-DM

HON. KAREN D. MCDONALD

ORDER

At a session of Court  
held in Oakland County, Michigan  
on 02/14/2018

THE COURT FINDS:

The parties have reached an agreement as to the various motions filed and set for hearing today.

THEREFORE, THE COURT HEREBY ORDERS:

Defendant's Motion to Quash the Subpoena to Dr. Plotkin is denied.  
Defendant's Motion to Prohibit the Deposition of Dr. Holtrop is granted.  
Defendant's Motion to Seal Dr. Plotkin's Deposition is denied.  
Defendant's Motion for Attorney Fees is denied.  
Plaintiff's Motion for Admission of Medical Records is denied. Plaintiff may still enter medical records into evidence pursuant to the Michigan Rules of Evidence.

KAREN D. MCDONALD

HON. KAREN D. MCDONALD  
Circuit Court Judge

*Lori Schmitt*  
*Amy Duby P7718*

*Laura Nicolson P80182*

A TRUE COPY

LISA BROWN

Oakland County Clerk/Registered of Deeds

By

*[Signature]*  
Deputy