

United States Courts
Southern District of Texas
FILED

OCT 05 2023

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS**

Nathan Ochsner, Clerk of Court

Steven E. Greer

Plaintiff;

v.

**The Lancet,
Elsevier,
RELX plc, and
Dan Erkes,**

Defendants.

23-cv-_____

DEMAND FOR JURY TRIAL

COMPLAINT FOR:

1- Violation of First Amendment Rights

2- Conspiracy Against Rights

3- Conspiracy to Violate Title VI of the
Civil Rights Act of 1964

4- Fraud

5- Conspiracy to Commit Fraud

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Plaintiff Steven E. Greer (“Dr. Greer” or “Plaintiff”), acting *pro se*, hereby complains and alleges as follows:

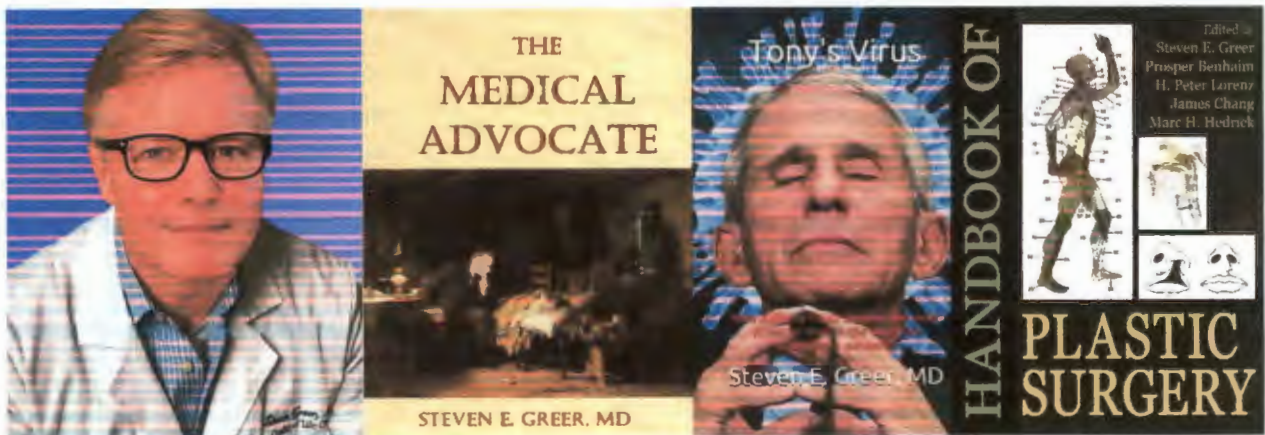
NATURE of the CASE

1. Plaintiff’s rights granted to him by the First Amendment of the United States Constitution, and God, were violated when Defendants colluded with the federal government to censor him.
2. Defendants also defrauded Plaintiff by pretending The Lancet is a peer-review journal when it is actually a propaganda outlet for the government.
3. Defendants were not lone actors. They colluded and are guilty of federal conspiracy “against rights”, federal conspiracy to violate the Civil Rights Act, and conspiracy to commit fraud.

THE PARTIES

Steven E. Greer, MD

4. Plaintiff Steven E. Greer, MD is a citizen of the United States of America. He is a medical doctor licensed in multiple states. Dr. Greer is also an author and financial expert with Wall Street experience.



5. Plaintiff is experienced at *pro se* litigating. For example, Chief Judge Swain of the Southern District of New York stated, “[Plaintiff is]...a fairly sophisticated and experienced litigant, who appears to possess a good understanding of the law”.¹ Also, Judge Cott of the S.D.N.Y stated, “[plaintiff] is a sophisticated gentleman in a lot of ways...”²

6. Plaintiff has prevailed in courts ranging from the federal district court level to the Supreme Court of the United States. For example, he orchestrated a settlement in federal district court with a portion of defendants while the remaining defendants were challenged in the Supreme Court.³ In state courts, Plaintiff recently succeeded at settling a malpractice claim against two former Ohio lawyers.

7. Dr. Greer’s medical research credentials and experience are relevant to the core of the case, which is his scientific manuscript submitted to *The Lancet*. He is an accomplished medical researcher with many published papers and books. He was awarded several government grants to perform multicenter clinical trials on wound healing when he was in the surgery program at New York University. His research supervisor at NYU was Michael Longaker, who now runs the research programs at Stanford.

8. As a professional writer and medical doctor, in the year 2000, Plaintiff became a Wall Street financial analyst for the investment bank of *Donaldson Lufkin & Jenrette*. Then, he became a partner at Steven A. Cohen’s *Sigma Capital*. He eventually became a portfolio manager for *Merrill Lynch* managing \$250 Million of the \$10 Billion in assets controlled by the proprietary trading desk.

¹ *Greer v. Fox News* 20-cv-5484 S.D.N.Y. September 7, 2022 (ECF 182, page 2)

² *Greer v. Mehiel* 15-cv-06119 S.D.N.Y. July 17, 2017 (ECF 396-6, page 24)

³ *Greer v. Mehiel*. 141 S. Ct. 136, 207 L. Ed. 2d 1080 - Supreme Court, 2020

The Lancet

9. The Lancet is a medical peer-review journal owned by RELX plc subsidiary Elsevier Inc.

10. Dan Erkes, an American citizen based in the United States of America, is the “Senior Editor” of The Lancet.

Elsevier Inc.

11. Elsevier is a traditional print publishing business that is now a subsidiary of RELX plc.

12. It has offices in the USA at 11011 Richmond Avenue, Suite 450 Houston, TX 77042.

RELX plc

13. RELX plc is the parent company of Elsevier. It is publicly traded on the New York Stock Exchange (RELX) with revenues or more than \$2 Billion USD.

14. RELX plc has headquarters in London. However, it conducts continuous and significant business in Texas and all of the United States.

15. It has offices in the USA at 11011 Richmond Avenue, Suite 450 Houston, TX 77042.

Dan Erkes

16. Defendant Dan Erkes is an American citizen who works as the “Senior Editor” for The Lancet in Elsevier American offices.

17. Mr. Erkes sent Plaintiff the dispositive email rejecting the Lancet manuscript submission.

JURISDICTION AND VENUE

18. The Plaintiffs complaint has federal jurisdiction pursuant to (42 U.S.C. § 1983 (2021)- Civil action for deprivation of rights), and (18 U.S. Code § 241 - Conspiracy against rights).

19. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b)(1) and (2) because Defendants have an office in Houston, Texas, and a substantial part of events occurred in the region of the Southern District of Texas.

20. Also, the European Defendants have “continuous and systematic” operations (i.e., minimum contact) within the region of the Southern District of Texas, per *International Shoe v. Washington*, 326 U.S. 310 (1945).

REVIEW OF FACTS

The First Year of the COVID Pandemic

21. The SARS-CoV-2 (“COVID”) virus pandemic started in 2019 and became recognized in January of 2020. Being a novel virus, doctors and hospitals were inexperienced at treating patients.

22. The state and federal responses to the pandemic have been proved to be utterly wrong and harmful. Many of the therapies used to treat infected patients are now known to have been deadly.

23. One of those deadly therapies was the use of mechanical ventilation (*i.e.*, where an air tube is inserted into the trachea and the patient is sedated). Plaintiff researched this problem and has obtained exclusive data showing high mortality rates among COVID-positive ventilated patients who were treated within one of the 11 public hospitals of New York. **More than 80% of the victims were non-White.**

24. At the time, Governor Andrew Cuomo controlled that public hospital system through the New York State Department of Health. His appointed Commissioner of the New York State Department of Health was **Howard Zucker, MD**.

25. “During the covid crisis the utterly corrupt Dr. Howard Zucker was the NY Health Commissioner under the now disgraced former-Governor Andrew Cuomo. Zucker covered up 16,000 covid deaths in nursing homes, allowed the rewriting of a critical health report hiding those deaths, refused to answer how many nursing home deaths had occurred during legislative hearings in Albany, and even refused to show up to the second day of scheduled legislative hearings dealing with the nursing home covid death controversy.”⁴

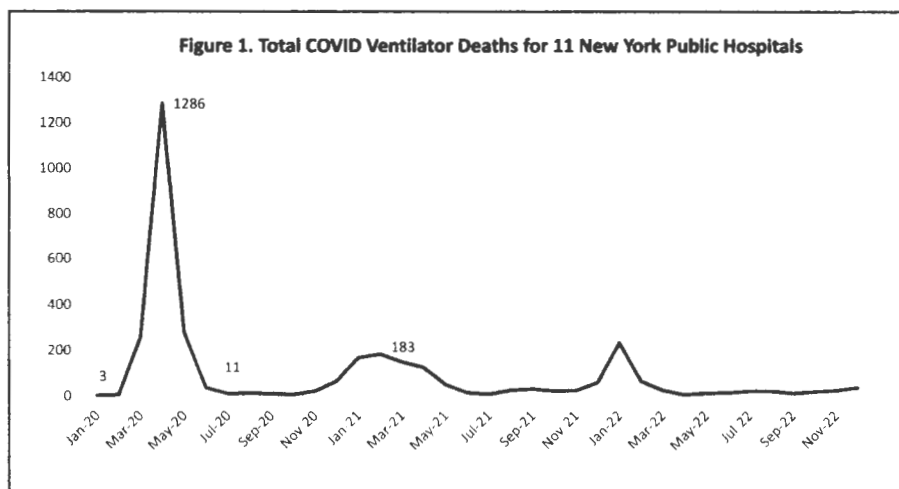
26. Dr. Zucker was rewarded for his handling of the pandemic by an appointment to the federal government where is now the CDC’s Director of Global Health.

27. From March through May of 2020, Governor Cuomo’s and Commissioner Zucker’s New York public hospitals engaged in a unique protocol of mechanical ventilation of COVID patients. The patients were intubated, but then also not monitored as closely as required because they were treated as infectious disease isolation patients. If a ventilator is not monitored dozen of times per day, it will kill the patient. The patients were also not provided basic life sustaining measures, such as fluids. It all seemed like a euthanasia protocol masquerading as mechanical ventilation.

28. The results were catastrophic. Mortality rates among the ventilated skyrocketed.

⁴ Kane, M. “Howard Zucker Must be Removed from the CDC!” Teachers for Choice. August 12, 2023. <https://teachersforchoice.org/2023/08/11/howard-zucker-must-be-removed-from-the-cdc/>

29. Figure 1. of the submitted Lancet manuscript (**EX. 1**) demonstrates this.



30. Plaintiff’s Lancet manuscript explains how there is no likely explanation for these excess deaths other than “human error” (a term that includes intentional harm to patients).

31. When preliminary reports were published in the Lancet and JAMA in early 2020, and nurses became whistleblowers on social media, the death rates plummeted back to normal.

32. No one has reported the exact number of deaths, or a chart like Figure 1, until Plaintiff did so in his research and the Lancet manuscript.

33. Tabel 1 of the Lancet manuscript (**EX. 1**) shows that 83.2% of the deaths while on ventilator were among the non-White groups. This racial disparity in the delivery of healthcare violates Title VI of the Civil Rights Act.

34. These data in the Lancet manuscript are important for the global medical community to know. They indicate that ventilation is the wrong therapy for COVID patients.

35. However, information that exposes government wrongdoing during the pandemic has been heavily censored.

The Lancet has been an Integral Partner in Government Censorship

36. An ongoing lawsuit brought by multiple State Attorneys General has already yielded proof that federal actors, such as Anthony Fauci, colluded with private entities, such as medical journals, to censor opposing views.⁵

37. In *Missouri v Biden* 3:22-cv-01213 W.D.L.A. 2022, during a deposition of Dr. Fauci (EX. 2), The Lancet was mentioned eight times. The Lancet was a willing partner with the federal government in the collusion to censor opposing views that exposed mistakes Fauci and his NIH.

38. The district court decision was a blistering admonishment. In *Missouri v Biden* 3:22-cv-01213 (ECF 293) Filed 07/04/23 (EX. 3), it states, “the present case arguably involves the most massive attack against free speech in United States’ history. In their attempts to suppress alleged disinformation, the Federal Government, and particularly the Defendants named here, are alleged to have blatantly ignored the First Amendment’s right to free speech”

39. In March of 2020, The Lancet published a letter from numerous government-colluding partners that misled to public into thinking the Wuhan lab was not the source of the COVID virus. “Signatories included Fauci and NIH partner Dr Peter Daszak, the British president of EcoHealth Alliance, which funneled money into controversial research at a Wuhan Institute of Virology, and UK Government scientific adviser Sir Jeremy Farrar.”⁶

40. As another example of The Lancet doing the bidding of the U.S. and state U.S.

⁵ Twitter also released batches of evidence in the so-called “Twitter files” that show how the federal government colluded with private social media companies to censor. However, of note, the crucial “Fauci files” promised by Elon Musk were never released. Those would shed even more light.

⁶ Jewers C. “REVEALED: 26 out of the 27 Lancet scientists who trashed theory that Covid leaked from a Chinese lab have links to Wuhan researchers” DailyMail.com. September 11, 2021 <https://www.dailymail.co.uk/news/article-9980015/26-Lancet-scientists-trashed-theory-Covid-leaked-Chinese-lab-links-Wuhan.html>

government censors,

“Lancet is one of the oldest and most respected medical journals in the world. Recently, they published an article on Covid patients receiving hydroxychloroquine with a dire conclusion: the drug increases heartbeat irregularities and decreases hospital survival rates. This result was treated as authoritative, and major drug trials were immediately halted – because why treat anyone with an unsafe drug? Now, that Lancet study has been retracted, withdrawn from the literature entirely, at the request of three of its authors who “can no longer vouch for the veracity of the primary data sources”. Given the seriousness of the topic and the consequences of the paper, this is one of the most consequential retractions in modern history.”⁷

41. In fact, this fraudulent paper that was retracted⁸ could have easily been spotted by Lancet editors as the product of a sham NGO.

“The Guardian newspaper investigated⁹ and found that a shady American company called Surgisphere was behind the mysterious database used by the medical authors. However, the company seems to be a total fraud created to give the appearance of a global medical records company. In fact, it has six employees and they are not scientists. One even seems to be a porn actor. It is entirely possible that the World Health Organization, which is highly political and battling President Trump at the moment, paid Surgisphere to create a fake database, much like the infamous Steele dossier that the Democrats funded to dig up dirt on Trump.”¹⁰

42. Despite this unprecedented mistake by a major medical journal, no Elsevier or Lancet employees were fired. No explanation was given for the mistakes.

43. Defendants’ silence and the lack of accountability doled out indicates that

⁷ Heathers J. “The Lancet has made one of the biggest retractions in modern history. How could this happen?” *The Guardian*. June 5, 2020. <https://www.theguardian.com/commentisfree/2020/jun/05/lancet-had-to-do-one-of-the-biggest-retractions-in-modern-history-how-could-this-happen>

⁸ Mehra R, et al. “RETRACTED: Hydroxychloroquine or chloroquine with or without a macrolide for treatment of COVID-19: a multinational registry analysis” *The Lancet*. May 22, 2020. <https://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2820%2931180-6/fulltext>

⁹ Reed B. “Surgisphere: governments and WHO changed Covid-19 policy based on suspect data from tiny US company” *The Guardian*. June 3, 2020. <https://www.theguardian.com/world/2020/jun/03/covid-19-surgisphere-who-world-health-organization-hydroxychloroquine>

¹⁰ Greer SE. “Far-left NeverTrump Propaganda has Hijacked the Peer-Review Process” *The Greer Journal*. June 3, 2020. <https://greerjournal.com/far-left-nevertrump-propaganda-has-hijacked-the-peer-review-process/>

Defendants were engaging in a collusion with the U.S. and state government to create propaganda to dissuade the usage of oral medications for COVID. Indeed, federal courts recognize the doctrine of tacit admissions.¹¹

44. In fact, during the deposition of Anthony Fauci by the Attorneys General of Missouri and Louisiana, it was exposed that Dr. Fauci relied on this fraudulent Lancet article, and seemed to know about the article before it was published, to base his comments on hydroxychloroquine. (EX. 2 starting at page 222).

45. As another example of The Lancet doing the bidding of federal censors, in a New York Post essay from 2022, “The Lancet report continues the China coverup”.¹² It detailed how The Lancet convened a “commission” to whitewash the evidence that the Wuhan lab created the virus.

46. That Lancet “commission” report was propaganda created at the behest of the U.S. government’s NIH, according to the author,

“This excuse to stifle the origins debate has been around since the pandemic’s very beginning, thanks to former National Institutes of Health director Francis Collins. Further discussion of the Wuhan lab, warned Collins in early 2020, would allow “the voices of conspiracy to quickly dominate, doing great potential harm to science and to international harmony.””¹²

47. Lastly here (but many more examples exist), Anthony Fauci proved his collusion status with The Lancet by choosing it as the venue for a puff-piece exit interview before leaving

¹¹ The Doctrine of Tacit Admissions. *Sparf v. United States*, 156 U.S. 51, 56 (1895); *Sandez v. United States*, 239 F.2d 239, 246 (9th Cir. 1956); *Egan v. United States*, 137 F.2d 369, 380-81 (8th Cir. 1943); *Graham v. United States*, 15 F.2d 740, 743 (8th Cir. 1926); see *Ivey v. United States*, 344 F.2d 770, 772-73 (5th Cir. 1965); *Hauger v. United States*, 173 Fed. 54, 59 (4th Cir. 1909); Annots., 115 A.L.R. 1510 (1938); 80 AL.R. 1235 (1932); 20 Am. Jur. "Evidence" § 570 (1939).

¹² Mosher S. “No, COVID didn’t come from a US lab — Lancet report continues the China coverup” *The New York Post*. September 1, 2021 <https://nypost.com/2022/09/21/lancet-report-continues-the-china-covid-coverup/>

his NIH post.¹³

48. Lancet has been just one of many other publications colluding with the governments of the world during the pandemic. For example, presidential candidate Robert Kennedy, Jr. recently sued YouTube for removing his videos. *Kennedy v. GOOGLE* 5:23-cv-03880 N.D.C.A.¹⁴

The Censorship of Plaintiff's Lancet Manuscript

49. In this instant case, Plaintiff submitted the Lancet manuscript (**EX. 1**) to the Elsevier staff on Thursday, August 3, 2023.

50. The standard business practice for The Lancet and other large medical journals is to issue a rejection email rapidly, usually within 24-hours, so that the manuscripts are not unduly delayed for eventual publication.¹⁵

51. Plaintiff's manuscript was reviewed by the Lancet intake editor and not immediately rejected.

52. It is standard business practice of The Lancet to then send papers passing the first cut to go on for early publication by Elsevier's SSRN division. The manuscript was reviewed by an editor and approved for SSRN pre-print online publication.

From: SSRN Author Comment Notification
<ssrnsupport@elsevier.com>
Sent: Friday, August 4, 2023 12:20 PM

¹³ Kirby T. "Anthony Fauci: moving on". The Lancet. October 8, 2022.
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)01923-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)01923-7/fulltext)

¹⁴ Bobby Kennedy, Jr.'s uncle, President John F. Kennedy, created the Civil Rights Act that is violated by Defendants here. His father, Robert Kennedy, created the RICO statutes when he was the Attorney General.

¹⁵ The Lancet website "Information for Authors section states, "On submission to The Lancet, your report will first be read by one or more of the journal's staff of physicians and scientists. Our acceptance rate overall is about 5% and it is an important feature of our selection process that many papers are turned away on the basis of in-house assessment alone. **That decision will be communicated quickly.**"

To: steve@greerjournal.com

Subject: A Comment Has Been Added to SSRN Abstract ID 4531639

The SSRN Processing Team has added the following comment to your submission, High Mortality Rates Among Mechanically Ventilated COVID Patients Treated in New York Public Hospitals (Abstract ID 4531639):

Thank you for your recent submission to Preprints with The Lancet. To proceed, we will require some additional information. This information is required before your manuscript can be posted on Preprints with The Lancet. CORRESPONDING AUTHOR, please reply to this email with a simple statement for the following: Competing Interest Declaration, Ethical Approval Statement for collection/use of patient data

Questions or need further assistance? Reply to this email or visit the SSRN Support Center at <https://service.elsevier.com/app/home/supporthub/ssrn/> or call 877-SSRNHelp (877 777 6435) in the United States or +1 212 448 2500 outside of the United States.

Thank you,
The SSRN Team

From: SSRNSupport (ELS) <ssrnsupport@elsevier.com>
Sent: Saturday, August 5, 2023 8:11 AM
To: steve@greerjournal.com
Subject: Re: A Comment Has Been Added to SSRN Abstract ID 4531639 [230805-001326]

Dear SG,

Thank you for providing the requested information. We have passed the information over to SSRN's Medical Team for final review.

Regards,

Ernestine Folts-Offutt

Customer Support Representative

ELSEVIER | Research Products Customer Service

53. SSRN is an e-library owned by Elsevier designed to speed access of research to the public faster than the traditional peer-review process. The decision on whether or not a manuscript submission to The Lancet merits SSRN early release is made by a single editor and not a review by peers.

54. It is standard business practice of The Lancet to only send manuscripts to SSRN if they have met the standards for eventual publication in The Lancet. By referring Plaintiff's manuscript to SSRN, that meant it should have been e-published. The final SSRN review is to make sure that certain forms and legal releases have been submitted.

55. To verify this, Plaintiff called the SSRN customer service line on August 5, 2023 and spoke to Ernestine Folts-Offutt, the person listed on the email, above. Plaintiff was told that the manuscript was definitely accepted and was being prepared for online publication. This phone call was recorded, Plaintiff believes, and can be verified.

56. However, the next day, the approval status was changed to a rejection for no given reason.

From: em.thelancet.0.8532e4.6224b365@editorialmanager.com
<em.thelancet.0.8532e4.6224b365@editorialmanager.com> **On**
Behalf Of The Lancet Team
Sent: Monday, August 7, 2023 10:06 AM
To: Steven Eric Greer <steve@greerjournal.com>
Subject: Your Submission THELANCET-D-23-04095

Manuscript number: THELANCET-D-23-04095
Title: THE LANCET
"High Mortality Rates Among Mechanically Ventilated COVID
Patients Treated in New York Public Hospitals"

Dear Dr. Greer,

Many thanks for submitting your manuscript to *The Lancet*. We have considered your manuscript for publication across *The Lancet* family

of journals, but our decision is that it would be better placed elsewhere.

Unfortunately, we can accept only a very small proportion of the many papers we receive each week. We are sorry to be unhelpful on this occasion, though we would like you to think of us again in the future.

Yours sincerely,

Sabine Kleinert
Deputy Editor
The Lancet

57. A peer-review process had not occurred. This was an in-house decision made by Elsevier.

58. After Plaintiff sent a legal warning email accusing Defendants of censorship, the manuscript was set back on track to be approved and published online.

From: Erkes, Dan (ELS-PHI) <d.erkes@lancet.com>
Sent: Monday, August 7, 2023 1:38 PM
To: steve@qolclinic.com
Subject: RE: What is the reason for Lancet cancelling the planned publication of THELANCET-D-23-04095?

Dear Dr. Greer,

Thank you so much for reaching out about your manuscript. The editorial team at The Lancet has decided to process your manuscript as an appeal so it can go through another evaluation before we land on our final decision regarding your study.

Regarding your paper as a preprint with The Lancet on SSRN, it seems that it has not yet been posted and still needs to undergo the full screening process for preprints. For more information on the screening process at Preprints with the Lancet on SSRN and additional information on our preprint policies, please refer to: Preprints, (<https://www.thelancet.com/preprints>) and Preprint FAQs (<https://www.thelancet.com/preprint-faq>).

I will follow up with you once a decision on your appeal is made.

All the best,

Dan Erkes, PhD
Senior Editor, *The Lancet*
d.erkes@lancet.com
1-212-309-5404

59. Then, the Lancet manuscript was rejected again on August 8th with no rationale given by “Senior Lancet Editor” Dan Erkes. Plaintiff asked for a detailed explanation for the rejection and none was provided.

From: Erkes, Dan (ELS-PHI) <d.erkes@lancet.com>
Sent: Tuesday, August 8, 2023 8:41 AM
To: SG <steve@QOLclinic.com>
Subject: Appeal decision for THELANCET-D-23-04095?

Dear Dr. Greer,

After further discussions with the editorial team, your appeal has unfortunately been rejected and *The Lancet* will not be proceeding any further with your study.

We appreciate your interest in publishing your study with *The Lancet* and wish you luck in finding a home for your study.

All the best,

Dan Erkes, PhD
Senior Editor, *The Lancet*
d.erkes@lancet.com

60. **On September 25, 2023 at 5:00 PM, Plaintiff called Mr. Erkes** and stated that he was investigating the “Steven Greer matter and the ventilator paper rejection”. He asked Mr. Erkes whether or not Howard Zucker or someone from the U.S. or state government had been involved in the decision to reject the paper. Mr. Erkes replied, “Yes. We have been in communication....I am off today. Can you call me tomorrow?” Mr. Erkes seemed uncomfortable speaking about the matter.

61. **Plaintiff's Lancet manuscript is of far higher quality than previous Lancet papers that were accepted and published in 2020.** Flaws with the manuscript could not have been the reason for the rejection.

62. In "Cummings, M. et al. Study of critically ill patients with COVID-19 in New York City – Authors' reply. *Lancet* 2020, October 396:1064.", those data were only from a single hospital and did not shed any light onto the reasons the State of New York had such high mortality rates in early 2020. In contrast, Plaintiff's Lancet manuscript has data from the entire New York State and detailed data from all 11 public hospitals. There is a two-year follow-up.

63. In "Karagiannidis C, et al. Case characteristics, resource use, and outcomes of 10,021 patients with COVID-19 admitted to 920 German hospitals: an observational study. *Lancet Respir Med.* 2020 Sep;8(9):853-862. doi: 10.1016/S2213-2600(20)30316-7.", those data were only from three months in 2020, lacked follow-up, and were from German hospitals, making the data irrelevant to the United States medical community. In contrast, Plaintiff's Lancet manuscript has data from the relevant New York State hospitals, and there is a two-year follow-up.

64. The findings in Plaintiff's Lancet manuscript show evidence of mass euthanasia by the State of New York and the mechanical ventilator is the murder weapon. Governor Cuomo controlled the 11 public hospitals, and his health commissioner was Howard Zucker. Dr. Zucker is now a senior official withing the U.S. government as the CDC's Director of Global Health.

65. The findings of The Lancet manuscript are clearly problematic for the State of New York government and Dr. Zucker. Evidence of this is that The New York Department of Health refused to comply with Plaintiff's records request is now being sued by Plaintiff (*Cortex Television v. New York State Dept Health*, Index No. 318612 (Sup. Ct., Albany Cnty. 2022)).

66. There is strong evidence that Plaintiff's Lancet manuscript was rejected because of

Lancet collusion with government bodies to censor the findings.

Medical Journals Do Not Have Free Will to Reject Manuscripts

67. A medical journal like The Lancet is not the same as a periodical like The New Yorker. Scientific manuscripts are not fiction¹⁶ or essays.

68. After a manuscript meets certain criteria in the first screening, and is deemed acceptable for SSRN early publication, The Lancet editors cannot then accept or reject manuscripts at free will.

69. Manuscripts are supposed to undergo a peer-review process by other experts in the field of medicine, science, and biology. At least, that is how The Lancet portrays itself.

“*The Lancet* is an international, weekly general medical journal founded in 1823 by Thomas Wakley. Since its first issue, the journal has strived to make science widely available so that medicine can serve, and transform society, and positively impact the lives of people. *The Lancet* is committed to applying scientific knowledge to improve health and advance human progress. In our weekly issues, and Online First content, we publish some of the best science from the best scientists worldwide, providing an unparalleled global reach and impact on health.”¹⁷

70. “Peer-review” is stated 16 times in the “Information for Authors” section of The Lancet.¹⁸

71. The initial emails sent to Plaintiff after he submitted his Lancet manuscript described the peer-review process.

-----Original Message-----

From: em.thelancet.0.851e94.4d586a91@editorialmanager.com
<em.thelancet.0.851e94.4d586a91@editorialmanager.com> On Behalf
Of The Lancet Team
Sent: Thursday, August 3, 2023 7:26 PM

¹⁶ However, The Lancet did allow a fictional medical manuscript to be published, as detailed above in the case of the Surgisphere scam.

¹⁷ The “Subscribe” section of The Lancet website: <https://www.thelancet.com/journals/lancet/subscribe>

¹⁸ <https://www.thelancet.com/pb/assets/raw/Lancet/authors/tl-info-for-authors.pdf> (and also in EX. 4)

To: Steven Eric Greer <steve@greerjournal.com>
Subject: Your Submission to The Lancet has Been Received

Dear Dr. Greer,

Your submission entitled "THE LANCET
"High Mortality Rates Among Mechanically Ventilated COVID
Patients Treated in New York Public Hospitals"" has been received by
The Lancet Journal Office.

You can check on the progress of your manuscript by logging into The
Lancet's Online Submission **and Peer Review website** (known as EM).

The website address is: <https://www.editorialmanager.com/thelancet/>

Your username is: Your username is: xxxx If you need to retrieve
password details, please go to:
[https://www.editorialmanager.com/thelancet/l.asp?i=960139&l=RIEC
4GOW](https://www.editorialmanager.com/thelancet/l.asp?i=960139&l=RIEC4GOW)

Your manuscript will be assigned to an editor shortly and you will then
be emailed a manuscript reference number.

IMPORTANT: If you have uploaded your Author Signatures and/or
Conflict of Interest Statement with your submission in EM, you **DO
NOT** need to send a hard copy to the Journal office. If you have not
uploaded them with your submission and wish to email them to
editorial@lancet.com. Please clearly state the title and corresponding
author of the manuscript on the forms

Thank you for submitting your work to this journal.

Best Wishes,

The Lancet Journal Office"

72. If The Lancet were to, in actuality, accept and reject manuscripts on methods not based in peer-review, then they would be committing fraud. The billions of dollars in revenue reported by Dependents would be ill-gotten funds from a RICO scheme.

73. Recognizing the problem of long delays in publishing, medical journals, such as The Lancet, have begun a process of "pre-print" publication online before a peer-review process

has taken place. In this case, Plaintiff's Lancet manuscript was approved for "SSRN" pre-print publication, only to have it rejected willy-nilly. Plaintiff demanded an explanation for the rejection and received none.

74. That is not allowed. One of the Top-Five most read and respected medical journals, The Lancet, cannot bypass the peer-review process and still retain the respect of a peer-review journal. Again, that would be fraud.

75. As detailed above, The Lancet has engaged in egregious fraud many times since the COVID outbreak began in later 2019.¹⁹

First Cause of Action: Violation of the First Amendment

(42 U.S.C. § 1983 (2021)- Civil action for deprivation of rights)

76. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 52.

77. By colluding with the U.S. and state government, in this case, Howard Zucker,²⁰ the former New York State Health Commissioner and now a senior official in The White House, and others, per *Missouri v Biden*, Defendants are liable for violation of the First Amendment via 42 U.S.C. § 1983 (2021)- (Civil action for deprivation of rights). Also, Defendants violated 42 U.S. Code § 1985 – (Conspiracy to interfere with civil rights).

78. The Supreme Court has stated that "a private entity can qualify as a state actor in a few limited circumstances," such as "[1] when the private entity performs a traditional, exclusive public function; [2] when the government compels the private entity to take a particular action; or [3] when the government acts jointly with the private entity."²¹

¹⁹ Of note, Defendants are not likely compromising their reputation for no reason. They are likely receiving large payments from the government. However, that is beyond the scope of this Complaint.

²⁰ Other conspirators in the state or federal government could be uncovered, which is quite likely given the discovery to date from the *Missouri v Biden* case.

²¹ *Manhattan Cmty. Access Corp. v. Halleck*, No. 17-702, slip op. at 6 (U.S. June 17, 2019) (internal citations omitted) (citing *Jackson v. Metro. Edison Co.*, 419 U.S. 345, 352–54 (1974), *Blum v. Yaretsky*, 457 U.S. 991, 1004–05 (1982), and *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 941–42 (1982), respectively).

79. Also, from a different case by Plaintiff (*Greer v Mehiel*, 15-cv-6119 SDNY (ECF 138) February 24, 2016), Judge Nathan ruled,

“Although section 1983 only applies to acts committed under color of state law, a plaintiff may state a section 1983 claim against a private entity “on a section 1983 conspiracy theory” if the complaint “allege[s] facts demonstrating that the private entity acted in concert with the state actor to commit an unconstitutional act.” *Ciambriello v. Cty. of Nassau*, 292 F.3d 307, 324 (2d Cir. 2002) (quotation marks and citation omitted). “Put differently, a private actor acts under color of state law when the private actor ‘is a willful participant in joint activity with the State or its agents.’” *Id.* (quoting *Adickes v. S.H Kress & Co.*, 398 U.S. 144, 152 (1970)). The Second Circuit has long cautioned that a conspiracy to violate civil rights is easy to allege, and that courts should therefore subject such claims to greater scrutiny. *See Angola v. Civiletti*, 666 F.2d 1, 4 (2d Cir. 1981). Accordingly, “[a] merely conclusory allegation that a private entity acted in concert with a state actor does not suffice to state a § 1983 claim against the private entity.” *Ciambriello*, 292 F.3d at 324.”

80. Here, there is ample evidence that Defendants have been important partners in collusion with the U.S. government to censor medical literature that exposed problems with the policies of the pandemic.

81. Under deposition, Anthony Fauci and his subordinates were exposed as secret authors of Lancet publications that deflected from the truth of the Wuhan lab, etc.

82. In March of 2020, the Lancet published a letter from numerous colluding government partners that misled the public into thinking the Wuhan lab was not the source of the COVID virus.

83. In May of 2020, The Lancet published a study claiming that hydroxychloroquine had no efficacy against COVID. But the authors came from a fabricated non-profit fake organization set up specifically to create propaganda that dissuaded people from taking oral medications to treat COVID. Had any effort been made to verify the identity of the authors or data, the scam would have been exposed with a few Internet searches. A reasonable jury would infer that The Lancet was in on the scam. The Lancet then retracted the paper, but only after clinical trials on the drug were halted and the damage was done.

84. Of note, that Lancet action directly led to harm by keeping valuable medicines out of reach for billions of people. In this instant case, keeping Plaintiff's data away from the medical community will cause harm too. Doctors will continue to intubate and ventilate COVID patients when they should not. Unnecessary deaths will continue.

85. Here, in this instant case of censorship, Plaintiff submitted a high-quality paper with far higher standards than previously published Lancet papers relating to ventilation of COVID patients. The paper was first approved for online SSRN pre-print publication, only to then become rejected days later with no explanation. It was not a decision made after a peer-review process. It was not standard business practice of The Lancet.

86. Defendants have a proven "routine practice" of colluding with the U.S. government to create propaganda and censor opposing medical views. That evidence is admissible.

"Rules of Evidence 406. Habit; Routine Practice
Evidence of a person's habit or an organization's **routine practice** may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness."

87. Therefore, a reasonable jury would conclude that Lancet editors were acting on established protocols formed by government officials to not publish Plaintiff's manuscript.

88. Firstly, the findings and conclusion of Plaintiff's Lancet manuscript expose what quite likely could have been mass homicide committed by New York state-run hospitals, which were under the supervision of Howard Zucker.

89. Secondly, the findings of the Lancet manuscript are vitally important to critical care doctors around the world (i.e., that ventilating COVID patients is a bad idea), which would normally support the merits for publication by The Lancet.

90. Thirdly, it has been proven that The Lancet has a routine practice of colluding with the government to publish propaganda related to COVID policies.

91. Lastly, The Lancet editors refused to explain why they reversed their acceptance

decision and then rejected the manuscript within a matter of days. This was not normal business practice for The Lancet.

92. The behavior of The Lancet editors in this instant case fits their *modus operandi* of past wrongdoing. The accusations in this Complaint meet the standards to survive a motion to dismiss set forth by *Twiqbal (Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007))* and *Ashcroft v. Iqbal, 556 U.S. 662 (2009)*.

93. By agreeing to collude with the U.S. and state government, Defendants became liable under (42 U.S.C. § 1983 (2021))- (Civil action for deprivation of rights).

Second Cause of Action: Conspiracy to Interfere with Civil Rights (42 U.S. Code § 1985 - Conspiracy to interfere with civil rights)

94. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 52.

95. According to this Second Circuit Court of Appeals, the elements to prove conspiracy under 42 U.S. Code § 1985 are:

“To state a cause of action under § 1985(3), a plaintiff must allege (1) a conspiracy (2) for the purpose of depriving a person or class of persons of the equal protection of the laws, or the equal privileges and immunities under the laws; (3) an overt act in furtherance of the conspiracy; and (4) an injury to the plaintiff's person or property, or a deprivation of a right or privilege of a citizen of the United States. *See Traggis v. St. Barbara's Greek Orthodox Church, 851 F.2d 584, 586-87 (2d Cir.1988)* (citing *Griffin v. Breckenridge, 403 U.S. 88, 102-03, 91 S.Ct. 1790, 29 L.Ed.2d 338 (1971)*). A conspiracy "need not be shown by proof of an explicit agreement but can be established by showing that the `parties have a tacit understanding to carry out the prohibited conduct.'" *LeBlanc-Sternberg v. Fletcher, 67 F.3d 412, 427 (2d Cir.1995)* (quoting *United States v. Rubin, 844 F.2d 979, 984 (2d Cir.1988)*). Furthermore, the conspiracy must also be motivated by "some racial or perhaps otherwise class-based, invidious discriminatory animus behind the conspirators' action." *Mian v. Donaldson, Lufkin & Jenrette Secs. Corp., 7 F.3d 1085, 1088 (2d Cir.1993)* (quoting *United Bhd. of Carpenters, Local 610 v. Scott, 463 U.S. 825, 829, 103 S.Ct. 3352, 77 L.Ed.2d 1049 (1983)*).” *See Thomas v. Roach, 165 F.3d 137 (2d Cir. 1999)*.

96. Meeting those elements, Defendants entered into an agreement with the U.S. and state government to censor Plaintiff's Lancet manuscript, which violated his First Amendment rights to petition and free speech. This was a collusion to conspire to violate 42 U.S.C. § 1983 (2021)- (Civil action for deprivation of rights) and 42 U.S. Code § 1985 – (Conspiracy to interfere with civil rights). This overt act of censoring was in furtherance of the agreement, and Plaintiff suffered by not having his First Amendment rights deprived (The global medical community and their patients also suffered.).

Third Cause of Action: Conspiracy to Violate Title VI of the Civil Rights Act of 1964

97. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 52.

98. Title VI of the Civil Rights Act prohibits institutions funded by the federal government from, *inter alia*, delivering different quality of healthcare based on race.

99. Plaintiff's research proved that Hispanic and Black patients in New York received such inferior care that, if they were ventilated while infected with COVID, they comprised more than 80% of the excess deaths. This fact has never been disclosed before Plaintiff's Lancet manuscript was submitted.

100. By Defendants colluding with the U.S. and state government to censor Plaintiff's Lancet manuscript and not make these data known widely, they are conspiring to propagate an unequal delivery of healthcare based on race, to put it mildly. One could argue that racial genocide occurred in 2020, and will occur again. That conspiracy violates Title VI of the Civil Rights Act in an extreme way.

101. “At common law, a civil conspiracy claim may be founded on an injury from an unlawful overt act done in furtherance of the conspiracy. See *Halberstam v. Welch*, 705 F.2d 472, 477 (D.C.Cir. 1983); *Rutkin v. Reinfeld*, 229 F.2d 248, 252 (2d Cir.), *cert. denied*, 352 U.S. 844, 77 S.Ct. 50, 1 L.Ed.2d 60 (1956).” See *Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21 (2d Cir. 1990).

102. “A list of the separate elements of civil conspiracy includes: (1) an agreement between two or more persons; (2) to participate in an unlawful act, or a lawful act in an unlawful manner; (3) an injury caused by an unlawful overt act performed by one of the parties to the agreement; (4) which overt act was done pursuant to and in furtherance of the common scheme. See, e.g., *Ryan v. Eli Lilly & Co.*, 514 F.Supp. 1004, 1012 (D.S.C.1981).” See *Hecht v. Commerce Clearing House, Inc.*

103. Meeting the elements of common law conspiracy, (1) Defendants entered into an agreement with the U.S. and state government to censor medical literature that would have helped stop the practice of unequal delivery of healthcare, (2) thus conspiring to act in an unlawful way by violating Title VI. (3) Plaintiff suffered (as did the public) by not having his Lancet manuscript published and his First Amendment rights violated. (4) The overt act of censoring Plaintiff’s Lancet manuscript was in furtherance of the common scheme.

Fourth Cause of Action: Fraud

(Fed.R.Civ.P. 9(b))

104. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 52.

105. Fed.R.Civ.P. 9(b) provides some guidance on properly stating a claim of common law fraud in federal court. It states, "In all averments of fraud or mistake, **the circumstances constituting fraud or mistake shall be stated with particularity.** Malice, intent, knowledge, and

other condition of mind of a person may be averred generally."

106. This Complaint states with particularity how Defendants claim that The Lancet is a peer-review medical journal.²² Then, the facts show that Plaintiff's manuscript was rejected without a peer-review in a way that was not standard business practice. The manuscript passed the first screening by an editor and was sent to SSRN for early online publication, where it would also undergo peer-review to be published in the print version of The Lancet. It is reasonable to infer that some person intervened to prevent Plaintiff's manuscript from being made public. Howard Zucker has already been implicated by Lancet editor Dan Erkes (see ¶ 60).

107. This Complaint also details the routine practice of The Lancet being used as a propaganda tool of the federal government, which violates all peer-review standards. Completely fraudulent manuscripts that suited the agenda of the NIH were published and then retracted. Dr. Fauci was asked about his manipulation of The Lancet under deposition, etc.

108. "The elements of fraud include: 1) a misstatement or omission; 2) of material fact; 3) made with the intent to defraud; 4) on which the plaintiff relied; and 5) which proximately caused the plaintiff's injury. *Cyrak v. Lemon*, 919 F.2d 320 (5th Cir.1990)." see *Williams v. WMX Technologies, Inc.*, 112 F.3d 175 (5th Cir. 1997).

109. Here, in this instant case, (1) Defendants misstated that The Lancet is a peer-review medical journal when it is not. It has become a propaganda outlet for the government. (2) The misstatement is a material fact. (3) The misstatement was made with the intent to defraud. (4) Plaintiff relied on the misstatement before submitting his manuscript to what he thought was a peer-review publication. (5) Plaintiff has suffered by having his First Amendment rights violated,

²² This is the Lancet's peer-review statement: <https://www.thelancet.com/pb/assets/raw/Lancet/authors/tl-info-for-authors.pdf> (also in EX. 4)

and lost time and expenses. Also, Plaintiff and millions of others have suffered from this fraud by not having available the crucial data in Plaintiff's manuscript made public. In addition, the other incidents of fraudulent publications by The Lancet have harmed doctors, and all in society, by perverting the pool of medical literature. **Modern medicine cannot be practiced properly without peer-review literature.**

Fifth Cause of Action: Conspiracy to Commit Fraud

110. Plaintiff repeats, re-alleges, adopts and incorporates each and every allegation contained in Paragraphs 1 through 52.

111. "At common law, a civil conspiracy claim may be founded on an injury from an unlawful overt act done in furtherance of the conspiracy. *See Halberstam v. Welch*, 705 F.2d 472, 477 (D.C.Cir. 1983); *Rutkin v. Reinfeld*, 229 F.2d 248, 252 (2d Cir.), *cert. denied*, 352 U.S. 844, 77 S.Ct. 50, 1 L.Ed.2d 60 (1956)." *See Hecht v. Commerce Clearing House, Inc.*, 897 F.2d 21 (2d Cir. 1990).

112. "A list of the separate elements of civil conspiracy includes: (1) an agreement between two or more persons; (2) to participate in an unlawful act, or a lawful act in an unlawful manner; (3) an injury caused by an unlawful overt act performed by one of the parties to the agreement; (4) which overt act was done pursuant to and in furtherance of the common scheme. *See, e.g., Ryan v. Eli Lilly & Co.*, 514 F.Supp. 1004, 1012 (D.S.C.1981)." *See Hecht v. Commerce Clearing House, Inc.*

113. Meeting the elements of common law conspiracy, (1) Defendants entered into an agreement with the government to censor medical literature, subverting the promised peer-review process, thus committing fraud, (2) thus conspiring to act in an unlawful way by committing fraud. (3) Plaintiff suffered (as did the public) by not having his Lancet manuscript published and his

First Amendment rights violated. (4) The overt act of censoring Plaintiff's Lancet manuscript, as well as the other acts of The Lancet colluding with the U.S. government, as shown in *Missouri v. Biden*, were in furtherance of the common scheme.

PRAYER for RELIEF

WHEREFORE, Plaintiff Steven Greer prays for the following:

1. Injunctive relief requiring The Lancet medical journal to publish Plaintiff's submitted manuscript.
2. An order enjoining Defendants from engaging in further conduct with any other person submitting a manuscript for approval.
3. Refer the same issues in this civil Complaint to the appropriate prosecutors for Restitution, per 18 U.S. Code § 3663A, in the form of a fund set aside to be eventually paid out to victims of healthcare harm caused by the Third Cause of Action.
4. Refer the same issues in this civil Complaint to the appropriate prosecutors for Forfeiture of Defendants' property and assets, per "18 U.S. Code § 981 - Civil forfeiture", as this Court sees fit.
5. Punitive damages in accordance with precedent cases.
6. An order awarding Dr. Greer such other and further relief as the Court deems just and proper, include reimbursement for costs in filing this Complaint.

Signed this 28th day of September, 2023

/s/ Steven Greer

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