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Texas Appeals Ruling in Lawsuit Against Pfizer, Challenges PREP Act Immunity Shield

Texas Attorney General Ken Paxton on Wednesday filed a motion in the U.S. Court of Appeals for the 5th Circuit challenging a lower court ruling that Pfizer is immune from liability for its vaccine Prevnar 13 under the Public Readiness and Emergency Preparedness Act (PREP Act).

By Michael Hansen, Ph.D.
APRIL 17, 2020

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Texas Attorney General Ken Paxton on Wednesday filed a motion in the U.S. Court of Appeals for the 5th Circuit, the state's legal filing comparable to a petition for rehearing, challenging a lower court ruling that Pfizer is immune from liability under the federal Public Readiness and Emergency Preparedness Act (PREP Act).

Texas Legal Filing Challenges Pfizer's Immunity Shield

In an appellate brief filed Wednesday in the U.S. Court of Appeals for the 5th Circuit, the state argued that Texas consumers were not preempted by the PREP Act from suing Pfizer over its pneumococcal vaccine Prevnar 13 under the federal Public Readiness and Emergency Preparedness Act (PREP Act).

Texas Legal Filing Challenges Pfizer's Immunity Shield

In January 2020, Pfizer successfully shifted the case to federal court. The U.S. District Court for the Northern District of Texas, Judge Reed O'Connor, dismissed the case in October 2020. Texas appealed in February.

Texas Seeks Pfizer Confession

Texas claims Pfizer "misrepresented Prevnar's efficacy" in the unknown" by including its vaccine "as a means to treat pneumonia" and "knowingly misleading consumers" by including "pneumonia" in its vaccine claims while "Pfizer knew that based on these misleading statements to the lure of billions of dollars."

Other state criticisms of Pfizer's vaccine Prevnar 13 allegedly by the state's attorney general include the company's "ownership of scientists that run the vaccine research."

Texas seeks over $10 million in civil penalties and an injunction preventing Pfizer from making similar claims about Prevnar 13 in the future.

Pfizer's vaccine Prevnar 13 allegedly causing Sepsis in 2020 the case had no merit, and defending its claims about its COVID-19 vaccine as "accurate and substantiated."

Pfizer sought dismissal of the case, arguing that it is immune from liability under the PREP Act, which shields COVID-19 vaccine makers from liability for injuries caused by the vaccine.

Key Pfizer, service vaccine counsel for Children's Health Defense (CHD), disputed Pfizer's claims.

"No COVID-19 vaccine manufacturer currently has immunity from liability," Pfizer's legal team argued. "Disagreements of liability, efficacy and safety are properly settled in a jury."

According to Pfizer, the Texas lawsuit "seeks to impose liability" on Pfizer for "conduct that does not shield against consumer protection cases filed by the state instead of individual consumers.

According to the brief, it was brought under the Texas DTPA, the state law on which Texas sued for alleged "false, misleading, or deceptive conduct in trade or commerce." Other such an action "would lie in the state of Texas."

Pfizer argued that the PREP Act's liability shield bars only those claims involving the "administration of a covered product to an individual" and does not extend to "coverage consumer protection suits."

Texas also argued that the immunity shield "provides liability for mass tort claims."

Pfizer criticized the state's court dismissal and said Texas has presented a "novel" claim that a federal appeals court must consider.

"The Texas District Court was grossly distressed a prime example of the outstanding" vaccination mission that anything goes under PREP," Pfizer said. "Whether the state attorney general has the authority — or if it obviously does — to protect its citizens from harm from the coordinated and unique mission for the PREP Act.

Pfizer agreed with Texas' argument that state consumer protection law falls outside the scope of the PREP Act.

"Under a claim for bias due to the administration of a covered vaccine, the attorney generally allegations of violations of the Texas Deceptive Trade Practices Act fall outside of the purview of the PREP Act," Pfizer said.

Kansas lawsuit alleges Pfizer violated previous agreements with the state

Texas Attorney General Ken Paxton filed the first lawsuit against Pfizer's vaccine Prevnar 13 in January 2020 for allegedly "misleading" Texas consumers and "knowingly" Pfizer's claim that Prevnar 13 "is effective in treating pneumonia." Texas sued Pfizer for violations of the Texas Deceptive Trade Practices Act and "false advertising

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Why does Pfizer need liability protection for a product that's exceptionally "safe" with only 1 in 1000 000 adverse reactions and a 95% efficacy rate? Such a wonderful product with such an excellent safety profile doesn't need any liability protection. Apparently none of the 1223 deaths in the 90 day trial period was caused by the vaccine (apparently it can't be proven), indicating that Pfizer lied when it claimed vaccines are unavoidably unsafe, incapable of being made safe - when they asked liability protection from President Reagan. It's also amazing that this miracle product is "safe", even when it has 1291 side effects listed on 32 pages.

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Jan 8, 2025 Paxton continues lawsuit against Pfizer regarding vaccine efficiency

Texas Attorney General Ken Paxton filed a notice of appeal on Wednesday to continue his lawsuit against Pfizer Inc., for its alleged "unlawful misrepresentations concerning the COVID-19 vaccine."

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