

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION**

CHRISTY BECKERICH, et al.,	:	Case No. 2:21-cv-00105-DLB-EBA
	:	
Plaintiffs,	:	Hon. David C. Bunning
	:	
v.	:	
	:	
	:	
ST. ELIZABETH MEDICAL CENTER,	:	MOTION FOR RECONSIDERATION
et al.,	:	
	:	
Defendants.	:	

Plaintiffs request the Court to reconsider its decision. We plan to appeal to the Sixth Circuit on several issues, but want the Court to reconsider or clarify its Order before we do. One of those issues is the fact that in 2021, St. Elizabeth Medical Center is a non-profit; as a facility is taking Medicare and Medicaid patients and payments; is ordering mandates based upon President Biden executive orders and requirements; and is accepting massive PPP and Cares Act funds. **Exhibit 1.** This was also **Exhibit 1** to the Complaint. St. Elizabeth is NOT a private employer. In fact, as St. Elizabeth points out, the President’s mandate regarding 100 or more employees also applies to Plaintiffs. St. Elizabeth is a community hospital. It has no shareholders. It has no ownership. It is governed by a community Board. It is NOT private. These facts were pled and are supported by the evidence. The National Guard is even “helping” out as reported every day.

The Court on page 5 states: “The Supreme Court has made clear that a “private entity **may qualify** as a state actor when it exercises powers traditionally exclusively reserved to the state.” No area of the U.S. economy since Obamacare become more “state” than healthcare.

The Court mentioned not wanting to be an activist Judge at the hearing. The country changes. Dred Scott was considered property. When the Supreme Court changed that “law” was that “activism?” Segregation in schools was legal, until it was not. The examples are countless. In 2021, government has taken over the “non-profit” hospitals.

In addition, the Court while claiming no politics did adopt the political position of the “left” in this country. The Court used these words on page 1 of its Order, “unprecedented global pandemic.” This is NOT the position of Plaintiffs pled and had witnesses prepared to testify to it. In addition, the affidavits filed supported this. The Court admits on page 3 of its Order: “The decision to grant or deny injunctive relief falls solely within the discretion of the district Court.” The Court used that “discretion” to adopt the political left position.

On medical exemptions, the Court simply took the hospital’s word on them without allowing testimony to refute their facts. Also “poaching” was NOT the main argument on corruption of the process. The main argument, absent from the Court’s Order is that the hospital ordered their physician’s group to deny medical exemptions. **Exhibit 2** are relevant affidavits on this issue filed in the record and it was also pled. As a result, many in the class did not even attempt a medical exemption (Valerie Rose) some were denied, and few were accepted. Also, April Hoskins was not granted a medical exemption. She was given an extension. Also, members of the class were denied religious exemptions.

The Court wrote: “Lastly, no Plaintiff in this case is being forcibly vaccinated.” No. They simply are being asked to choose a vaccination or their career. To claim that no one in this country now is not being forcibly vaccinated is disingenuous.

The Court takes great pains attempting to dissecting the difference of a “foreign substance” which would or would not make a difference. Is the law going to be “depends on what foreign substances?”

The “greater good” is the most ambiguous of phrases. The Court adopts the left’s position. Individual liberty is more important than the “greater good” as defined by the left. There is NO harm to others to be concerned about based upon the proof Dr. Stock, Dr. Grunkemeyer and Dr. Waselenko were prepared to testify about but were denied.

Also, *Jacobson* is NOT the same as the Covid 19 vaccines as distinguished in Plaintiffs’ filings. Again, our witnesses were prepared to offer testimony on this and were denied.

The Court uses the words on page 180 “suspicious cannot override the law.” Do facts? They are facts, not suspicions. Our witnesses were prepared to offer testimony and were denied.

The flu vaccine also is NOT the Covid 19 vaccine. Again, our witnesses were prepared to offer testimony and were denied.

The Court failed to even mention that St. Elizabeth’s doctors do not want their workers to take the vaccine and the hospital lied about the reason for it. Dr. Grunkemeyer was subpoenaed by Plaintiffs and denied the right to testify. Defendants submitted information the Court accepted, and the Plaintiffs were not allowed to refute it with their witnesses. They got the “last word.” Their “statistics” they presented were not allowed to be refuted. The Court put them in its Order.

The only vaccine “FDA approved” is not an option, because it’s not being produced. Again, our witnesses were prepared to offer testimony on this and were denied.

As is going on every day, the media, the hospitals and corporate America gets away with simply stating their position and no one is allowed to refute it. Not even in Court.

Respectfully Submitted,

/s/ Dominick Romeo
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CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(d) and other applicable law, I certify that on this 28th day of September 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all counsel of record who are deemed to have consented to electronic service.

/s/ Dominick Romeo
Dominick Romeo

EXHIBIT 1

Provider Name	State	Provider Relief Fund	APP	Total
ST ELIZABETH MEDICAL CENTER, INC	Kentucky	\$67,360,199	\$104,952,179	\$172,352,378
BETHESDA HOSPITAL, INC. (TRIHEALTH)	Ohio	\$107,119,964	\$59,906,072	\$167,036,036
UNIVERSITY OF CINCINNATI MEDICAL CENTER LLC	Ohio	\$60,149,438	\$99,135,673	\$159,285,111
THE CHRIST HOSPITAL	Ohio	\$12,549,094	\$91,694,926	\$134,244,020
THE GOOD SAMARITAN HOSPITAL OF CINCINNATI, OHIO (TRIHEALTH)	Ohio	\$46,801,403	\$51,877,170	\$98,678,573
CHILDREN'S HOSPITAL MEDICAL CENTER	Ohio	\$92,403,256	\$0	\$92,403,256
MERCY HEALTH - WEST HOSPITAL LLC	Ohio	\$22,316,441	\$26,338,185	\$48,654,626
MERCY HEALTH-FAIRFIELD HOSPITAL LLC	Ohio	\$17,355,785	\$13,616,179	\$30,971,964
MERCY HEALTH - ANDERSON HOSPITAL, LLC	Ohio	\$4,899,703	\$22,566,390	\$27,466,093
ST ELIZABETH FT THOMAS (High Impact Fund)	Kentucky			\$15,650,000
MERCY HEALTH-CLEMONT HOSPITAL, LLC	Ohio	\$2,423,220	\$12,577,438	\$14,950,658
UNIVERSITY OF CINCINNATI PHYSICIANS COMPANY LLC	Ohio	\$3,339,037	\$9,947,769	\$13,286,806
MERCY HEALTH PHYSICIANS CINCINNATI LLC	Ohio	\$3,425,578	\$8,256,207	\$11,681,785
TRIHEALTH PHYSICIAN ENTERPRISE CORP.	Ohio	\$9,153,780	\$0	\$9,153,780
MERCY HEALTH - WEST HOSPITAL (High Impact Covid Fund)	Ohio			\$8,600,000
TRIHEALTH LLC	Ohio	\$7,749,513	\$0	\$7,749,513
TRIHEALTH HOSPITAL, INC.	Ohio	\$6,794,762	\$0	\$6,794,762
MERCY HEALTH PHYSICIANS KENTUCKY LLC	Kentucky	\$888,797	\$2,146,668	\$3,035,465
ST ELIZABETH HOME CARE SERVICES LLC	Kentucky	\$506,928	\$1,944,055	\$2,450,983
CHRIST HOSPITAL MEDICAL SPECIALISTS II, LLC	Ohio	\$1,969,935	\$0	\$1,969,935
BETHESDA HEALTH AND REHAB CENTER, INC.	Ohio	\$434,636	\$0	\$434,636
BETHESDA MARI LLC	Ohio	\$95,931	\$233,459	\$329,390
Totals		\$457,946,699	\$906,182,370	\$1,022,179,069