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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

<p>STATE OF WASHINGTON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>JOHNNY T. STINE, an individual; NORTH COAST BIOLOGICS, a limited liability company,</p> <p style="text-align: center;">Defendants.</p>		<p>NO.</p> <p>COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF UNDER THE CONSUMER PROTECTION ACT, RCW 19.86</p>
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The Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Audrey Udashen, Assistant Attorney General, brings this action against Defendants Johnny T. Stine and North Coast Biologics, LLC for violations of the Consumer Protection Act (CPA), RCW 19.86. The State alleges the following on information and belief:

I. INTRODUCTION

1.1 The global outbreak of COVID-19, caused by the transmission of the novel SARS-CoV-2 coronavirus, has caused a public health and economic crisis of unprecedented proportions in the State of Washington and across the United States.

1.2 State and national efforts to stem the spread of COVID-19 have required citizens to stay at home and forego non-essential economic, cultural, and social activities.

1.3 The health, economic, and social effects of the COVID-19 outbreak have led to widespread fear, distress, and an urgent need for a vaccine to prevent the disease.

1 business or participate in essential employment in order to mitigate the spread of COVID-19.
2 Proclamation by the Governor No. 20-25 (Mar. 23, 2020). This order remained in effect through
3 May 31, 2020. Proclamation by the Governor No. 20-25.3 (May 4, 2020).

4 4.7 On May 29, 2020, Governor Inslee announced the beginning of Safe
5 Start, Washington's phased reopening plan. Pursuant to this plan, Washington counties must
6 satisfy specified criteria to loosen restrictions on activities and public life. As of the time of the
7 filing of this Complaint, all counties in Washington are currently subject to activity restrictions.
8 In many of the most populous counties, including King County, citizens' activities and access to
9 public life remain highly restricted.

10 4.8 As of the time of the filing of this Complaint, there are 1,994,283 confirmed cases
11 of COVID-19 in the United States and 112,967 deaths related to COVID-19. There have been
12 24,642 confirmed cases in the State of Washington and 1,190 deaths.

13 4.9 COVID-19's impact on the social, economic, and cultural life of the United States
14 and the State of Washington has been profound, leading to fear, anxiety, and increasingly urgent
15 desire for the prompt development of a vaccine to prevent the disease.

16 4.10 Although numerous COVID-19 vaccines are currently in early stages of clinical
17 trials, the FDA has not approved any vaccine for use in the prevention of COVID-19. Developing
18 a safe, effective vaccine against a new pathogen can take years, if not decades. On an
19 appearance on NBC's Today Show on April 30, 2020, Dr. Anthony Fauci, director of the
20 National Institute of Allergy and Infectious Diseases and an advisor to the President on the
21 COVID-19 response, suggested that having an approved vaccine against COVID-19 may be
22 "doable" by January 2021 "if things fall in the right place."

23 4.11 Defendants preyed upon consumers' fear of COVID-19 and desire to prevent the
24 disease and return to normal economic and cultural life in order to promote and sell an untested
25 and unapproved product they presented to the public as a "vaccine" against COVID-19 available
26 for immediate use.

1 4.12 On March 2, 2020, Stine announced in a Facebook post that he had developed a
2 vaccine against COVID-19: “I made a vaccine to nCoV-’19 to the Spike protein and the receptor
3 binding domain of this protein.” Stine’s post touted the effectiveness of his vaccine, explaining
4 that he tested the vaccine on himself and “after one shot (~25 ugs) and two weeks I was titer-
5 positive to the vaccine.” Stine represented that he “sent my sera to a friend who is partnered with
6 a group in China that can do functional assays – and guess what – my sera contains antibodies
7 that are functionally inhibitory.” Stine boasted, “I’m immune to nCov-2019.”

8 4.13 Stine’s Facebook post marketed the substance to “people who simply feel that
9 they need it because of increased risk or simply because it would make them comfortable.” Stine
10 explained that he was compelled to create the product because “deaths are real and thus I can no
11 longer sit on the sidelines. I’m not able to save the world much less a small town, but I can begin
12 by taking orders for vaccinations. I can begin with 100 people because I’m limited on how much
13 protein I can generate (the costly part).” Stine went on to offer to sell his substance for \$400: “If
14 interested parties pay \$400/person, I can order up enough protein to be made to give each person
15 a primary vaccination with two boosts (this is like the HepB vaccination protocol). The first 100
16 will be determined by the time stamp on payment...If there is greater interest, I will need to
17 outsource the protein expression. I will administer the vaccine here in the Seattle area or I’ll
18 come to you.”

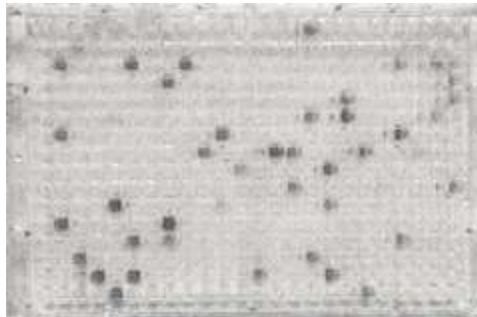
19 4.14 Stine’s post made clear that he understood that he was offering his vaccine outside
20 of the medical and regulatory framework for vaccine testing and approval. He explained, “I can
21 no longer stay silent. No government or corporation is ever going to protect us. We are the one’s
22 [sic] who have to look out for each other. I have already crossed some major lines creating
23 personalized tumor vaccines for people who wish to actually fight for their life with legitimate
24 tools, knowledge, and skills that I’ve acquired over the years. I did this with a GREAT deal of
25 apprehension because I was afraid to do this.”

26 4.15 Stine’s post elicited numerous responses, some positive, some negative. Some

1 consumers asked for Stine’s permission to share his post more widely, others requested an
2 injection of the product for themselves, or for friends and family. One consumer commented:
3 “Will spread the word. Might want one for me too.” Another asked: “Johnny can I share this?
4 And will you come to Tricities to vaccinate?” Stine’s response gave the consumer permission to
5 share his post and stated that he would agree to go to the Tri-Cities to inject the consumer with
6 his substance. Another consumer commented: “With your permission I would like to share this.
7 I would also like a dose of your vaccine. As would Margaret. She just got home after a 3 months
8 stay in hospital and SNF.” Others expressed concern. One consumer commented: “This is
9 terrifying and completely illegal. You are not a doctor.” Another stated: “You realize you’re
10 committing a federal crime, I hope.”

11 4.16 In his responses to comments on his Facebook post, Stine reiterated his
12 commitment to offering his product outside of the regulatory framework for testing vaccines,
13 expressing frustration that “some want me to wait until the end of the summer for an FDA-
14 approved vaccine. F*** that! Wait several months for something so trivial it took me half a day
15 to design ???? OMFG!”

16 4.17 On March 6, 2020, Stine shared the following image on his Facebook page:



22 Stine represented that the image demonstrated that his product rendered him immune to COVID-
23 19. Stine characterized the image as a “Snap Shot of My Immune Response to COVID19
24 Vaccine,” explaining “[I]ght to dark blue colors indicate that presence of IgG-specific binding
25 with Spike protein from COVID19 RBD. The other wells without blue color are places where
26 the same # of IgG memory B-cells plated produced IgG which did NOT interact with the

1 COVID19 RBD and they serve as wonderful negative controls for the experiment – so great
2 signal noise an amazing frequency of target-specific B-cell clones – correlates nicely to my
3 reasonably high titer to the viral Spike protein.”

4 4.18 Responding to consumers’ comments to his post, Stine stated: “Coronaviruses are
5 easy as f*** to make a vaccine against. The protein it uses to enter a cell, the spike protein, is
6 highly immunogenic.”

7 4.19 North Coast also marketed Defendant’s product. On March 11, 2020, North Coast
8 posted on its Facebook page that “NBC’s COVID19 spike protein vaccine is being made
9 available to those who are either at risk or for anyone who simply needs some reassurance. Two
10 shots get you a titer that binds the spike protein and the receptor binding domain. Message us
11 here to create a spot in the queue. This isn’t large scale industrial by any means . . . but locally,
12 very effective.”

13 4.20 On April 17, 2020, the mayor of Friday Harbor, Farhad Ghatan, who is a friend
14 of Stine’s, posted a link on his public Facebook page to a story about the lack of traffic on the
15 ferry from Anacortes to Friday Harbor, Washington during the COVID-19 epidemic.

16 4.21 Stine posted a comment in response to Ghatan’s post asking: “Should I pop up
17 and get your vaccine started?????” Defendant Stine and Ghatan proceeded to discuss, on
18 Ghatan’s public Facebook page, whether Ghatan was a good candidate for the vaccine and
19 whether he should take an antibody test to determine if he already had COVID-19 and had built
20 up immunity to the virus. Stine offered to perform an antibody test on Ghatan and reassured him:
21 “[D] on’t worry – I’m immune – I have boosted myself five times with my vaccine and I have a
22 screaming antibody titer to the spike protein and spike protein receptor binding domain.”

23 4.22 When other Friday Harbor residents responded to Defendant’s and Ghatan’s posts
24 with questions about Defendants’ product, Stine posted “I’m VACCINATING people with the
25 nCoV19 spike protein – it’s a recombinantly [sic] expressed protein and it goes subQ by a tiny
26 needle and the recipient begins making antibodies to the spike protein which is also saying that

1 they will be protected from infection. It's like any other recombinant protein vaccine. Not rocket
2 science.”

3 4.23 Residents of Friday Harbor expressed anger and concern on Ghatan's Facebook
4 page about Stine traveling to Friday Harbor after San Juan County's health officer issued an
5 order limiting travel to the island.

6 4.24 Ghatan responded to these concerns on Facebook by explaining: “Johnny cannot
7 infect anyone as he has developed a vaccine. He is a pharmaceutical scientist on the forefront.”

8 4.25 Stine's vaccine and proposed travel to Friday Harbor from King County were the
9 subject of discussion in Facebook groups called Friday Harbor Rant and Rave and What's Up
10 Friday Harbor? When residents expressed concern on Facebook about his product or his travel
11 to Friday Harbor, Stine went on the attack, referencing his superior scientific knowledge and
12 demeaning residents' intelligence. Stine posted in response: “Is Friday Harbor full of retards?
13 Oh please let me come up there and give you a lecture on science, biotechnology, and how we
14 make drugs and vaccines. Give me a room and I'll give a lecture and you'll all go home feeling
15 more stupid than you already are. All of those comments...coming from people who praise their
16 naturopath and homeopath doctors – practices based on ZERO science and are literally pulled
17 out of their asses. Then a guy comes in using basic science and tools that a high school kid can
18 do today and you're not even able to understand that.” Responding to residents who questioned
19 his intention to travel to Friday Harbor, Stine said: “You're in my state you f***ing c**t. I can
20 go wherever I wish” and “I hope your lung epithelial cells over express ACE2 so you die more
21 expeditiously from nCoV19.”

22 4.26 Upon information and belief, Defendants did not take proper steps to evaluate the
23 effectiveness or safety of their product before offering it to the public.

24 4.27 Defendant Stine testified that he tested the product only on himself and potential
25 a family member.

26 4.28 On information and belief, Defendants have not submitted their product for

1 approval by the FDA or for review or assessment by any other regulatory, scientific, or medical
2 body.

3 4.29 Upon information and belief, Defendants did not have competent and reliable
4 scientific evidence to substantiate their representations about their product's effectiveness as a
5 vaccine against COVID-19 or its safety for use in humans.

6 4.30 Defendant Stine testified that he injected approximately 30 consumers with his
7 product. These consumers primarily resided in the State of Washington, but included residents
8 of Montana, Arizona, and Texas.

9 4.31 On April 21, 2020, a resident of Arlington, Texas posted a message on Stine's
10 Facebook page thanking him for providing his vaccine to her family: "[W]e (5 of us) are 6 days
11 post injection and are all feeling well and no problems. Also, wanted to put this out there for
12 anyone who is feeling unsure. We are so thankful for you, Johnny!"

13 4.32 On April 27, 2020, Washington State Attorney General Bob Ferguson issued a
14 letter to Defendants warning them to cease and desist from making misrepresentations about
15 their COVID-19 "vaccine" and advising that "exaggerating or misrepresenting the health
16 benefits" of his substance violates the Consumer Protection Act, RCW 19.86.020.

17 **V. VIOLATION OF CONSUMER PROTECTION ACT**
18 **RCW 19.86.020**

19 5.1 Plaintiff re-alleges Paragraphs 1.1 through 4.32 and incorporates them as if set
20 forth fully herein.

21 5.2 Upon information and belief, Defendants engaged in unfair and deceptive
22 conduct in trade or commerce affecting consumers in Washington and other states, including but
23 not limited to the following:

24 5.3 Misrepresenting the health benefits of the purported "vaccine" they developed
25 and marketed;

26 5.4 Representing that the product they developed could vaccinate consumers against

1 COVID-19 without adequate scientific substantiation for these representations;

2 5.5 Offering a product they represented to be a vaccine without adequately testing
3 the product's effectiveness or safety for use in humans;

4 5.6 Representing that Stine was immune from COVID-19 without adequate scientific
5 substantiation; and

6 5.7 Offering to cure a human disease, ailment, or condition without a medical license.

7 5.8 The conduct described in paragraphs 1.1 through 4.32 constitutes unfair and
8 deceptive acts or practices in trade or commerce in violation of RCW 19.86.020 and is contrary
9 to the public interest.

10 5.9 These acts or practices occurred in trade or commerce, specifically the marketing
11 of and accepting payment for a purported vaccine.

12 5.10 Based on the above unfair or deceptive actions and practices, Plaintiff is entitled
13 to relief under the CPA including injunctive relief and restitution pursuant to RCW 19.86.080,
14 civil penalties pursuant to RCW 19.86.140 of up to two thousand dollars (\$2,000) per violation
15 for each and every violation of RCW 19.86.020, and reimbursement of the costs of this action,
16 including reasonable attorneys' fees, pursuant to RCW 19.86.080.

17 VI. PRAYER FOR RELIEF

18 Wherefore, Plaintiff prays for the following relief:

19 6.1 That the Court adjudge and decree that Defendants have engaged in the conduct
20 complained of herein;

21 6.2 That the Court issue a permanent injunction pursuant to the CPA, RCW
22 19.86.080, and other authority, enjoining and restraining Defendants and their representatives,
23 successors, assigns, offices, agents, servants, employees, and all other persons acting or claiming
24 to act for, on behalf of, or in concert or participation with Defendants, from continuing or
25 resuming the unlawful conduct complained of herein;

