

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT

CIVIL ACTION No: 14 01410

BHARANIDHARAN PADMANABHAN MD PhD)
(Dr BHARANI))
Plaintiff, pro se)
)
v.)
)
CITY OF CAMBRIDGE,)
CAMBRIDGE PUBLIC HEALTH COMMISSION)
(dba Cambridge Health Alliance - CHA),)
et al)
Defendants)

MOTION TO DISMISS DEFENDANTS' MOTION FOR IMPOUNDMENT OF ALL DOCUMENTS

- 1 Cambridge Defendants have motioned for impoundment of all documents in this lawsuit claiming peer review immunity applies immediately and absolutely to absolutely every document filed in this case.
- 2 Defendants' claim is unlawful.
- 3 Defendants know their claim is in bad faith and designed expressly to hide from public judicial scrutiny their felonies, institutional corruption and lack of care towards the people of this Commonwealth.
- 4 Defendants operate and are employees of a public hospital system where all documents and emails are public records by law unless peer review immunity is found to apply by a Judge or a jury in a Court of Law. The law only requires that patients not be individually identifiable from the records.
- 5 Plaintiff has documented that by law peer review immunity cannot apply to actions by the Medical Executive Committee in his case as the MEC did not

fulfill the safe harbor provisions of Title 42 U.S. Code § 11101-11152 Health Care Quality Improvement Act 1986.

- 6 As documented in Plaintiff's Opposition, by law the decision to grant peer review immunity, after a full review of the required actions, rests with the finder of fact in this case, namely the Judge and jury. By law the finder of fact is required to review the facts to ensure compliance with Title 42 U.S. Code § 11101-11152 Health Care Quality Improvement Act 1986. Deference to the MEC would be unlawful and Federal law controls here.
- 7 Till such a finding is made all records should not be impounded as that would be unlawful and expressly support the hiding of felonies, by a public hospital system, from the tax payer.
- 8 Preemptive impoundment of all documents as sought by this public hospital system is prior restraint and is directly unconstitutional till it is found to meet the standard set by Congress in Title 42 U.S. Code § 11101-11152 Health Care Quality Improvement Act 1986 and the Supreme Court in New York Times Co. v. United States, 403 U.S. 713 (1971). Defendants are further assaulting Plaintiff's free speech rights in addition to that listed in the Complaint.
- 9 Fiat justitia ruat caelum.

Wherefore Plaintiff respectfully requests that Defendants' Motion to Impound be denied.

Respectfully submitted,

20 February 2015

Bharani Padmanabhan MD PhD
pro se
30 Gardner Road #6A, Brookline
Massachusetts 02445
617 5666047
scleroplex@gmail.com