



**ORDINARY COURT OF FLORENCE**

02 Second Civil Division

In the precautionary procedure registered to n.r.g.7360/2022 initiated by XXX, with the support XXXXXXX of the lawyer BENASSI RAUL (BNSRLA71A10G687J); domiciled at VIALE BELFIORE 3250144 FLORENCE at the defender lwy. STORI ROBERTO

CLAIMANT

Against

**ORDER OF PSYCHOLOGISTS OF THE TUSCANY REGION (C.F. 92009700458)**

AGREED

The Judge doct. Susanna Zanda,

Read the urgent precautionary appeal for the suspension of the measure taken by the College of Psychologists of Tuscany on 10.19.2021, with which the claimant has been suspended from executing the profession of psychologist, for non-fulfilment of the vaccination obligation from the DL 44/2021 art.4 converted into law n.76/2021;  
Finding that the suspension of the exercise of the profession can compromise primary goods of the individual whose right to subsistence and the right to work of which to art.4 understood as an expression of the freedom of the person and their dignity, guaranteed precisely by the freedom of necessity;  
found that the establishment of the rebuttal could create irreparable damage to those primary rights of the claimant and that "inaudita altera parte" must be guaranteed, also considering the time already elapsed after the procedure before the TAR activated by the claimant and concluded with a TAR sentence TOSCANA n.1565/21 passed in firm on 6.5.22, rejected from its jurisdiction precisely for undermining the primary rights of the person;  
considered that the TAR's decision is acceptable;  
considering that, in fact, the XXX has not been able to carry out the profession of psychologist and support herself with her own work for many months, since October 2021;  
that she has proofed how the exercise of the profession is his only source of income;  
considered that said freedom and right to work, acquired by birth based on art. 4 of the Constitution, it is in this case inadmissibly "granted" by the College of belonging prior to undergoing an injective treatment against Sars Cov 2, based on DL 44/21;  
considering that said decree law converted into law has the purpose of preventing the disease and guaranteeing safety conditions in the health field;  
verified, however, that this purpose is unattainable since it is the same AIFA reports to affirm it;  
Considering, in fact, that the AIFA reports are contemporaneous with the suspension of Dr. XXX such as the most recent reports of January and May 2022, and even more so the reports of European surveillance institutes, for example, Euromomo or Eudravigilance, report a phenomenon opposite to the one they wanted achieve with vaccination, that is, a spread of infections with the formation of multiple

viral variants and the numerical prevalence of infections and deaths precisely among subjects vaccinated with three doses;

considering that art.32 section 2 Cost is not applicable at the root, even wanting to dispense with the violation of the reserve of law, precisely because of the lack of benefits for the community;

It has been verified in fact that art. 32 costs within the "personocentrica" constitutional charter after the experience of Nazi-fascism does not allow that the individual will be sacrificed for a true or presumed collective interest, much less to subject him to invasive medical experimentation on the person, without his free and informed consent,

considering that an informed consent is not conceivable when the components of the serums and the mechanism of their functioning is, as in this case, protected not only by industrial secret but also, incomprehensibly, by "military" secret;

considering that nowadays, after two years, the components of the serums and the medium and long-term effects are still not known as written by the same manufacturing houses while it is known that in the short term they have caused thousands of deaths and serious adverse events;

considered that art. 32 Cost and coherently the different international conventions signed by Italy prohibit the imposition of sanitary treatments without the consent of the interested party because their DIGNITY would be affected, a value that is part of the basis of multiple norms of our rigid Constitution and that sustains art.1 of the Constitution (not coincidentally) of Germany;

considering that consent must be free and informed and that in this case Dr. XXX does not legitimately want to give it;

considered that the vaccination obligation ordered to be able to work violates *ictu oculi* artt. 4, 32 and 36 cost, which, putting "the person" at the center and defending it above all from the State, does not allow the State and all its central and peripheral apparatuses (as well as professional associations) to impose any obligation of health treatment without the consent of the interested party;

verified that our legal system and international treaties prohibit without any doubt any experimental treatment on human beings, and that there are regulations such as n. 953/21 and EU resolutions such as n. 2361/21 that specifically prohibit member states from discriminating based on Sars Cov 2 vaccination status;

considered that, instead, the Tuscan psychologists association with the *quo* provision prohibits this immediately applicable regulation, and implements an undeniable discrimination of the doctor with respect to her vaccinated colleagues who can continue working even though they have the same possibilities of becoming infected and transmitting the virus;

Considering that for these reasons there is also the deduced "fumus boni iuris", that is, the illegal imposition by the College of membership of an injective treatment that has already caused serious adverse events and deaths, and ultimately with a substantial "acceptance of the risks" of verification of such nefarious events by doctor XXX

On the other hand, the health authorities of the Tuscany Region and the Council of the College of Psychologists of Tuscany cannot be unaware of the spread of infections, despite the 80/90% of the population has been vaccinated against Sars Cov 2 and that they are aware, or should be, of the spread of contagion among vaccinated with three doses, of the also serious and fatal adverse events of vaccinated subjects; this data is, in fact, published by the Ministry of Health itself, for which it is illegal both the implementation and the successive lack of revocation in self-protection from the Order of belonging, of above mentioned measure to suspend the XXX on 10.19.2021 and still valid until 12.31.2022;

considering that for these reasons Dr. XXX cannot be obliged, in order to support herself and her family, to submit to these experimental injection treatments that are so invasive as to insinuate themselves into her DNA, modifying it in a way that could be irreversible, with effects up to now unpredictable for her life and health;

found that under the epidemiological profile the condition of the vaccinated subject is not different from the condition of the unvaccinated subject because both can become infected, develop the disease, and transmit the contagion

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considered that then the imposition of vaccination obligation to practice the profession is completely discriminatory and violates European regulation n. 953/2021 self-executing that prohibits discrimination of European citizens based on vaccination status;

having regard to the resolution of the Council of Europe n.2361/2021; Regulations (CE) 726/2004 (art.14 bis) and 507/2006;

view of the decision of the Justice Tribunal. EU, July 11, 2019, no. 716/17 which states: *"each national judge who must rule within the framework of his powers has, as a body of a Member State, the obligation not to apply any national provision contrary to a provision of Union law that has a negative effect directly in the controversy of which it is invested"*; see. According to constitutional court. n. 95/2017 (on the obligation not to apply immediately by the GO of the internal source contrasting with the law of the European Union and "opposite" Cass. Civ. Division I Ord., 10/18/2018, n. 26292 ; Cass.civ. Division I Ord., 06/06/2018, n. 14638; sentence Trib Florence 1855/2021; cass. L, cass. **Sentence** n. 26897 of 12/21/2009: *"The national judge must decline to apply the rule of internal regulations, due to incompatibility with community law, both in the event that the conflict occurs with a discipline produced from the EEC bodies through the regulation, both in the case in which the conflict is determined by general rules of the Court of Justice of the European Communities, in the exercise of the tasks assigned to it with articles 169 and 177 of the Treaty of March 25, 1957, made executive by law October 14, 1957, n .1203.*; see Conf. Sent. Cass. 3841/2002);

seen the art. 1,2, 3,4,32,36 Cost.;

Considering the numerous orders of referral to the Constitutional Court of the decree laws that impose the 4 injective treatments against Sars Cov 2 for the exercise by citizens of the fundamental rights and freedoms (es. Order of referral of the Council for Justice Sicily Region and numerous TAR);

Having seen the resolutions to revoke the suspension of work due to non-compliance with the vaccination obligation sentence. Court of Padua from 28.4.22; Sassari Court of 9.6.22; Court of Velletri 14.12.2021; Tar Lombardia 26.4.2022 in rg 562/2022 (the case of a veterinarian suspended from the Order); Court of Rome from 14.6.22; TAR Lombardia n.1937 of 16.6.22; several judgments of the Tar Piemonte and the Tar Roma (on the personnel of the armed forces, healthcare workers and teachers);

p.q.m.

the court

seen the art. 669 section 2 sexies c.p.c. and 700 c.p.c.

**suspends the measure of the Order of the Tuscan Psychologists of XXX that prohibits Dr. XXX from practicing the profession of psychologist until she undergoes injective health treatment against Sars Cov 2, then authorizing the exercise of the profession without undergoing injective treatment, working in any modality (both face-to-face and telecommuting) just like vaccinated colleagues.**

Sets for confirmation, modification, revocation of the contradictory provision the hearing of **September 15, 2022 at 10:00.**

Florence, 6<sup>th</sup> of July 2022

The Judge  
Doct. Susanna Zanda