N.R.G. 2022/7360
(TRANSLATION)

ORDINARY COURT OF FLORENCE

02 second civil section

In the interlocutory proceedings registered under No. r. g. 7360/2022 brought by ... under the patronage of ... lawyer BENASSI RAUL (BNSRLA711A10G687J); electively domiciled at VIALE BELFIORE, 32 50144 FIRENZE at the offices of the lawyer STORI ROBERTO
ATTORNEY

against

ORDER OF PSYCHOLOGISTS OF TUSCANY (F.C. 92009700458)
DEFENDANT

The Judge Dr. Susanna Zanda,
read the urgent precautionary appeal for the suspension of the measure taken by the Council of the Order of Psychologists of Tuscany dated 19. 10. 2021, by which the applicant was suspended from the exercise of the profession of psychologist, for failure to comply with the obligation to vaccinate as per Decree Law No. 44/2021 art. 4 converted into Law No. 76/2021;
noted that the suspension from the practice of the profession is likely to jeopardise primary individual goods such as the right to his livelihood and the right to work referred to in Article 4 understood as an expression of the freedom of the person and his dignity, guaranteed precisely by the freedom from need;
noted that the establishment of an adversarial procedure could cause irreparable damage to the appellant's primary rights, and it is necessary to proceed 'inaudita altera parte', in view also of the time which has already elapsed following the proceedings before the Regional Administrative Court initiated by the appellant and concluded by judgment No 1565/21 of 6 May 2002, which became final and which overturned the decision of the Regional Administrative Court of Tuscany (TAR TOSCANA), which declined jurisdiction precisely on the ground that the appellant's primary rights had been compromised;
held, therefore, that the decision of the TAR appears to be admissible;
noted that, in fact, the ... cannot practise the profession of psychologist and support herself with her work for a period of several months from October 2021;
that she has annexed how the exercise of the profession constitutes her only source of livelihood;
noted that this freedom and right to work, acquired by birth on the basis of Article 4 of the Constitution, is in this case impermissibly 'granted' by the Order to which she belongs after undergoing an injection treatment against Sars Cov 2, on the basis of DL 44/21;

given that the purpose of this Decree-law converted into law is to prevent the disease and ensure safe conditions in the health sector;
noted, however, that this aim is unattainable because it is the AIFA reports themselves which state that;
considering, in fact, that AIFA's reports both contemporaneous with the suspension of Dr. ... and the most recent reports of January and May 2022, and even more the reports of European supervisory institutions such as Euromomo or Eudravigilance, show a phenomenon opposite to what was intended to be achieved with the vaccination, that's to say a spread of contagion with the formation of multiple viral variants and the numerical prevalence of infections and deaths among those vaccinated with three doses;

considering that Article 32, paragraph 2, of the Italian Constitution is in root not applicable, even if we want to disregard the violation of the rule of law, precisely because of the lack of benefits for the community
in fact, having noted that Article 32 of the 'personocentric' constitutional charter after the experience of Nazi-fascism does not permit medical experimentation that is invasive of the person without his free and informed consent
whereas informed consent is not conceivable when the components of the serums and the mechanism of their operation are, as in this case, covered not only by industrial secrecy but also, incomprehensibly, by 'military' secrecy
whereas, therefore, after two years we still do not know the components of the serums nor their medium and long-term effects as written by the manufacturers themselves, whereas we know that in the short term they have already caused thousands of deaths and serious adverse events
in view of the fact that Article 32 of the Italian Constitution and, consistently, the various international conventions signed by Italy prohibit the imposition of medical treatment without the consent of the person concerned because his or her DIGNITY would be infringed, a value underpinning the many provisions of our rigid Constitution and substantiating Article 1 of the Constitution (not surprisingly) of Germany
considering that consent must be free and informed and in this case Dr. ... does not legitimately intend to give it
given that the vaccination requirement imposed in order to be able to work infringes Articles 4, 32 and 36 of the Constitution, which, by placing 'the person' at the centre and defending him or her above all from the State, does not allow the State and all its central and peripheral apparatus (such as professional orders) to impose any obligation to undergo health treatment without the consent of the person concerned;
given that our legal system and international treaties unequivocally prohibit any experimental treatment suggestive of human beings, and that there are regulations such as n. 953/21 and EU resolutions such as No 2361/21 which specifically prohibit member states from discriminating on the basis of Sars Cov 2 vaccination status;
whereas, on the other hand, the Tuscany Order of Psychologists is in breach of this immediately applicable legislation and is undeniably discriminating against Dr ... compared with vaccinated colleagues who can continue to work despite having the

same chance of becoming infected and transmitting the virus;
considered that for these reasons there is also the alleged "fumus boni iuris" i.e. the unlawful imposition by the Order of belonging to an injection treatment that has already caused serious adverse events and death, and in the end with a substantial "acceptance of the risk" of occurrence of such harmful events for Dr. ...
on the other hand, the health authorities of the Region of Tuscany and the Council of the Order of Psychologists of Tuscany can not be unaware of the spread of contagion despite the fact that 80/90% of the population is vaccinated against Sars Cov 2 and are also aware or should be aware of the spread of contagion among vaccinated with three doses, the adverse events also serious and fatal of vaccinated subjects; it is, in fact, data published by the Ministry of Health itself, so it seems illegitimate both the issuance and the subsequent continued failure to withdraw in self-defense by the Order of belonging, that measure of suspension of . .. taken on 19 Oct 2021 and still in force until 31 Dec. 2022;
held that for these reasons Dr ... cannot be forced, in order to be able to support herself and her family, to undergo these experimental injection treatments which are so invasive that they insinuate themselves into her DNA, altering it in a way which could be irreversible, with effects which cannot as yet be foreseen for her life and health;
whereas, from an epidemiological point of view, the condition of the vaccinated person is not dissimilar to that of the unvaccinated person, since both can become infected, develop the disease and transmit contagion;

Considering that, therefore, the imposition of compulsory vaccination in order to carry out the profession is wholly discriminatory and in breach of the European Regulation No 953/2021 self-executing which prohibits discrimination of European citizens based on vaccination status;

having regard to Council of Europe Resolution No 2361/2021; Regulations (EC) 726/2004 (Art, 14 bis) and 507/2006;

having regard to the decision of the Court of Justice of the EU, 11 July, 2019, No, 716/17, which states: *'any national court called upon to rule within the scope of its competence has, as an organ of a Member State, the obligation to disapply any national provision contrary to a provision of Union law that has direct effect in the dispute before it';* see Constitutional Court Conformity No.95 /2017 (on the GO's (Ordinary Court) obligation to immediately disapply the domestic source conflicting with European Union law and "on the contrary" Cass, Civ. Sez. I Ord., 18/10/2018, no. 26292; Cass. Civ. Sec. I Ord, 06/06/2018, no. 14638; sentence of the Court of Florence 1855/2021; cass. L, cass. Sentence no. 26897 of 21/12/2009: *The national judge must disapply the rule of the domestic legal system, due to incompatibility with community law, both in the case in which the conflict arises with a discipline produced by the organs of the EEC by means of a regulation, and in the case in which the contrast is determined by general rules of the community legal system, derived from the interpretation of the system itself by the Court of Justice of the European*

Communities, in the exercise of the tasks attributed to it by articles 169 and 177 of the Treaty of 25 March 2009. 169 and 177 of the Treaty of 25 March 1957, made executive by law no. 1203 of 14 October 1957. (see Conf. Sent. Cass. 3841/2002);

having regard to Articles 1, 2, 3, 4, 32 and 36 of the Constitution

having regard to the numerous orders of referral to the Constitutional Court of the decree-laws imposing the 4 anti-Sars Cov 2 injection treatments for the exercise by citizens of fundamental rights and freedoms (e.g. order of referral of the Council for Justice Sicily Region and numerous TARs)

having regard to the conforming rulings of revocation of suspension from work for failure to comply with the obligation to vaccine sent. Court of Padua of 28.4.22; Court of Sassari of 9.6.22; Court of Velletri 14.12.2021; TAR Lombardy 26.4.2022 in rg 562/2022 (case of a veterinarian suspended from the register); Court of Rome 14.6.22; TAR Lombardy n. 1397 of 16.6.22; various sent. Of TAR Piedmont and various sentences of TAR Rome (on personnel of the army, healthcare and teachers);

for the reasons
The Court
Having regard to art. 669 paragraph 2 sexies code of civil procedure and 700 c.c.p.

suspends the provision of the Order of Psychologists of Tuscany of ... prohibiting Dr. ... to exercise the profession of psychologist until she undergoes the injection treatment against Sars Cov 2, thus authorising the exercise of the profession without undergoing the injection treatment, working in any mode (both in the presence or remotely) in the same way as colleagues vaccinated.
Sets for confirmation, modification or revocation of the provision in cross-examination the hearing of **15 Sept. 2022, 10,00 a.m.**

Florence on 6 July 2022

The Judge
Dr Susanna Zanda