

Landmark COVID Vaccine Injury Lawsuit Filed Against Australian Government



More than 500 people injured or bereaved by COVID-19 vaccines on Wednesday filed a nationwide class action [lawsuit](#) against the Australian government and its medicines regulator.

The federal government, the Therapeutic Goods Administration (TGA), the Department of Health, and senior officials were [named as parties](#) to the lawsuit filed in New South Wales Federal Court.

The respondents are [accused of negligence](#) in their approval and monitoring of COVID vaccines, breach of statutory duty, and misfeasance in public office resulting in damages, including, but not limited to:

1. personal injury;
2. health care expenses;
3. additional out-of-pocket expenses;
4. economic loss;

5. the need for gratuitous care and, additionally or alternatively, commercial care; and/or
6. non-economic loss.

[According to the lawsuit](#), the respondents approved the vaccines “with no proper or reasonable evidentiary or logical basis to reasonably determine the vaccines to be safe, effective and possessing a positive risk-benefit profile.”

[Natalie Strijland](#), the attorney who filed the suit, [said in a statement](#):

“The class action arises upon the basis that the government did not truly establish that the vaccines were indeed safe or effective for use by the Australian public, and the claim now proceeds upon the basis that the government, in fact, acted negligently in approving the vaccines and also by failing to withdraw them after approval based upon the known evidence.”

The lawsuit was organized by Dr. Melissa McCann, a general practitioner who raised more than \$105,000 through crowd-funding to bring the case forward.

In a [tweet](#), McCann said:

“These injured and bereaved have suffered immense loss, pain, and grief. Just as heartbreaking has been the gaslighting and silence, which has left them feeling abandoned. We cannot simply ‘move on’ from covid and leave them behind.”

McCann has criticized the current compensation scheme, asserting it was “not fit for purpose,” with many having found themselves abandoned and without support.

[Anthony Rose](#), 46, a lead applicant in the case, experienced “incapacitating fatigue and debilitating neurological symptoms” following Moderna’s COVID-19 vaccine. Because he couldn’t prove a conclusive link to the vaccine or obtain a proper diagnosis, he was left on his own.

“I’m just treading water waiting to drown, basically,” Rose [told](#) an Australian news outlet.

Antonio Derosé, 66, developed encephalomyelitis—brain and spinal cord inflammation— following AstraZeneca.

Mr. O’Grady, a 41-year-old father of two, developed severe pericarditis—inflammation of the lining around the heart shortly after receiving his first Pfizer dose in July 2021.

“In the end, I had open heart surgery to remove the pericardium, which had become inflamed and stuck to my heart. It’s extreme. All the heads of different departments, cardiology, rheumatology, and cardiothoracic, all had conferences to say, ‘We’ve tried this, what is the next step for this recurrent pericarditis we can’t control the pain for?’ It wasn’t an easy decision. They said, ‘Nothing’s working – this is what we can offer.’”

The radical surgery alleviated the pericardial pain, but he was left with a permanent disability and is now severely immunocompromised.

“I no longer have a sac around my heart,” he said.

“The pericardial sac regulates the amount of blood that flows into the heart, sort of stops it from overflowing, so I have severe shortness of breath and fatigue still, which affects what I can do with my family. I can’t do sports, I’m never going to play footy again. I can’t do my old role. We’ve managed to get by, but long term... what’s going to happen to me? It’s a bit of a worry.”

Grady joined the class action hoping to obtain “reasonable recognition and compensation” for himself and others who are still suffering.

Strijland invited Australians who have “experienced a serious adverse event following COVID-19 vaccination” to “step forward

and register for the class action.”

A representative for the Department of Health and Aged Care said, “The department is aware of a proceeding commenced today in the Federal Court of Australia by applicants represented by NR Barbi Solicitor Pty Ltd. As the matter is before the court, it is not appropriate to comment further.”

According to the TGA’s April 20 health and safety [report](#), 138,307 adverse events were reported following COVID-19 vaccination out of 66 million doses. Based on these numbers, the TGA continues to claim the benefits of vaccination outweigh potential risks. However, adverse events are significantly underreported, as is the case with any voluntary self-reporting system.

Services Australia, as of April 12, had received 3,501 requests for compensation for alleged COVID vaccine injuries. They have paid 137 claims for more than \$7.3 million. An additional 2,263 claims are still processing while 405 have been withdrawn and 696 claims denied.

The current compensation scheme—available to Australians who “suffer a moderate to severe impact following an adverse reaction to a TGA-approved COVID-19 vaccine,” has been heavily denounced for being “difficult to access and too narrowly focused.”