

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA  
CIVIL DIVISION

<b>DENISE MOY, as attorney in fact for GUY</b>	:	No.
<b>D. FERRAIOLO, [REDACTED]</b>	:	
<b>[REDACTED], Plaintiff</b>	:	
	:	
v.	:	
	:	
<b>ST. LUKE'S UNIVERSITY HEALTH</b>	:	
<b>NETWORK and ST. LUKE'S UNIVERSITY</b>	:	
<b>HOSPITAL - BETHLEHEM, 801 Ostrum St</b>	:	
<b>Bethlehem, PA 18015, Defendants</b>	:	

**COMPLAINT FOR EMERGENCY MEDICAL DECLARATORY JUDGMENT  
AND EMERGENCY INJUNCTIVE RELIEF**

The Plaintiff, by and through undersigned counsel, states the following for this Complaint for Emergency Medical Declaratory Judgment and Emergency Injunctive Relief.

**I. INTRODUCTION**

1. This is a civil action for Emergency Declaratory and Injunctive Relief, pursuant to the Pennsylvania Declaratory Judgments Act, 42 Pa.C.S. Section 7531, *et seq.* (hereinafter, "The Act"), brought by the Plaintiff, DENISE MOY, who is the attorney-in-fact of, GUY D. FERRAIOLO, who is currently a patient in the medical intensive care unit at St. Luke's University Hospital Bethlehem ("St. Luke's"), and who is diagnosed with Stage IV gastric and bladder cancer with metastases to liver and bladder.

2. Mr. Ferraiolo underwent chemotherapy and developed tumor lysis syndrome, renal failure, and an agitated and disoriented encephalopathy, as well as respiratory failure.

3. Ms. Moy, on behalf of Mr. Ferraiolo, seeks a declaration that the Defendant honor the health care proxy, Dr. Anthony G. Messina (ret.) request for alternative care remedy, supported by Mr. Ferraiolo's current doctor, Dr. Pierre Kory, requiring the Defendants to administer the following

alternative care medications: Ivermectin, Mebendazole, Vitamin D, Atorvastatin, Itraconazole, EGCG, Melatonin, Curcumin, Omega 3 FA's, Doxycycline, Disulfiram, and Vitamin C. The dosing and monitoring would be performed by Dr. Kory.

4. Ms. Moy additionally seeks an order for such other, further and different relief as the Court deems just, equitable and proper.

## **II. JURISDICTION AND VENUE**

5. Ms. Moy is not seeking monetary or compensatory damages as her cause of action simply relates to the enforcement Mr. Ferraiolo's wishes, Dr. Messina's direction as his health care proxy, and Dr. Kory's medical advice as his doctor; this Court has subject matter jurisdiction over this matter and the parties. See 42 Pa.C.S. § 7532.

6. Venue lies in Lehigh County because the Plaintiff resides here. The cause of action arose in Lehigh County and the Defendants' primary place of business is located in Lehigh County in the State of Pennsylvania. Id.

## **III. PARTIES**

7. The Plaintiff, Denise Moy, is a citizen of the United States of America, a resident of the State of Pennsylvania, over the age of 18 and is a resident of Lehigh County, Pennsylvania; Ms. Moy is Mr. Ferraiolo's attorney in fact, and therefore has standing to bring this Complaint.

8. The Defendant, St. Luke's, is a hospital in good standing and duly registered with the Pennsylvania Department of State with an address of 801 Ostrum Street, Bethlehem, PA 18015.

9. The Defendant, St. Luke's Bethlehem, is the physical hospital where Mr. Ferraiolo is a patient.

## **IV. STATEMENT OF FACTS**

10. Mr. Ferraiolo is a 71 year old, retired computer programmer and real estate investor.

11. In January 2024, Mr. Ferraiolo was diagnosed with Stage IV cancer; in February, he was admitted to a local hospital in Harrisburg and was transferred to St. Luke's Bethlehem thereafter.

12. On March 7, 2024, he underwent his first round of chemotherapy and unfortunately, he developed tumor lysis syndrome, renal failure, and an agitated and disoriented encephalopathy.

13. Shortly thereafter, he was placed on dialysis and remains on dialysis without improvement.

14. Mr. Ferraiolo continues to bleed internally from the tumor in his stomach and metastases in his liver, which require frequent transfusions.

15. Oncology recommend palliative care and have indicated that Mr. Ferraiolo is not a good candidate for any systemic anticancer therapy because of his current condition.

16. St. Luke's has exhausted its course of treatment for Mr. Ferraiolo.

17. Ms. Moy and Dr. Messina looked into other, alternative cancer treatment methods for Mr. Ferraiolo.

18. Mr. Ferraiolo signed a consent to enter the Frontline Covid Critical Care Alliance observational cancer study using repurposed drugs (the "Care Study").

19. The Defendants' doctors, namely the Defendants' outpatient oncologist and inpatient hospitalist, agreed that the Care Study would benefit Mr. Ferraiolo and thereby coming to same conclusion: **the benefits of taking the Care Study medications outweighed the risks of kidney injury.**

20. Mr. Ferraiolo is a 71 year old with a fight in him to survive, but St. Luke's will not offer any further care due to his condition; his situation is truly "wait and hope".

21. Mr. Ferraiolo's chances of survival of Stage IV cancer in his condition are minimal, namely 5 – 30 percent of patients with this diagnosis are alive in five years, but he wants to fight and try the Care Study.

22. Ms. Moy is willing to sign a release, thereby releasing St. Luke's, its agents, assigns, any

third parties acting on its behalf, and any doctors acting on its behalf, from any and all liability in complying with the Care Study and its treatment plan.

23. Despite the aforementioned, St. Luke's refused and is unwilling to comply with the Care Study and the treatment plan.

24. Mr. Ferraiolo is on death's doorstep and St. Luke's is only offering palliative care, which is unacceptable to Ms. Moy, Mr. Ferraiolo, Dr. Messina, and Dr. Kory.

25. Dr. Kory supports the Care Study and treatment plan and will prescribe and monitor Mr. Ferraiolo throughout the same.

26. Ms. Moy seeks a declaratory judgment declaring that St. Luke's follow the Care Study and administer the Care Study's treatment plan and medications; and a declaration that St. Luke's comply with the Mr. Ferraiolo's and Dr. Messina's wishes. Ms. Moy has no other option but to bring the instant declaratory judgment civil action.

#### V. CAUSE OF ACTION

**As and for a Cause of Action Against St. Luke's,  
Ms. Moy alleges as follows:**

27. Repeats and realleges each and every allegation previously made as if restated herein.
28. Ms. Moy is Mr. Ferraiolo's attorney in fact.
29. Mr. Ferraiolo is a patient at St. Luke's in the medical intensive care unit with very little chance of survival.
30. Mr. Ferraiolo has been diagnosed with Stage IV cancer with metastases to liver and bladder.
31. Mr. Ferraiolo is a patient at St. Luke's in the step down intensive care unit with very little chance of survival.
32. St. Luke's has exhausted their course of treatment for Mr. Ferraiolo.

33. St. Luke's refuses any further cancer treatments for Mr. Ferraiolo due to his condition; St. Luke's offered palliative care, which Mr. Ferraiolo refused.

34. Mr. Ferraiolo signed a consent to participate in the Care Study and treatment plan.

35. St. Luke's is refusing to treat Mr. Ferraiolo in accordance with the Care Study and treatment plan, which includes administration of the medications required therewith.

36. Despite Ms. Moy's offer to sign a full release, releasing and relieving St. Luke's from any and all liability concerning the implementation of the Care Study, its treatment plan, and administration of medications therewith, St. Luke's has refused and is unwilling to do so.

37. St. Luke's exhausted its cancer treatment and refused any further cancer treatment other than palliative care.

38. As a result of the St. Luke's refusal to follow the Care Study, its treatment plan, and administer the medications therewith, Mr. Ferraiolo via Ms. Moy has been damaged.

39. Ms. Ferraiolo via Ms. Moy does not have an adequate remedy at law to enforce her power of attorney, the Care Study, its treatment plan, and medications associated therewith.

40. Ms. Moy has not made any prior applications for the relief requested herein.

41. It is Ms. Moy's belief that she has made out a cause of action for declaratory judgment.

#### **VI. RELIEF SOUGHT**

Based on the facts and the law, Ms. Moy is entitled to a declaratory judgment from this Court, declaring and enforcing her power of attorney, the Care Study, its treatment plan, and administration of medications associated therewith.

Ms. Moy respectfully requests that this Court enter an order declaring that St. Luke's comply with (1) her reasonable requests as Mr. Ferraiolo's power of attorney to comply with the Care Study, its treatment plan, and administration of medications associated therewith; (2) Dr.

Messina's requests to comply with the Care Study, its treatment plan, and administration of medications associated therewith; and (3) Dr. Kory's requests to comply with the Care Study, its treatment plan, and administration of medications associated therewith.

WHEREFORE, Ms. Moy respectfully requests that this Court Order the following:

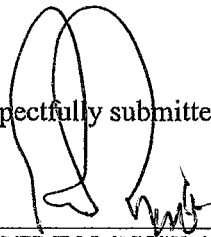
(A) Enter a judgment in favor of Ms. Moy on the Complaint in its entirety and against the Defendants;

(B) Pursuant to Ms. Moy's valid power of attorney, that the Defendants comply with the Care Study, its treatment plan, and administration of medications associated therewith;

(C) Award Ms. Moy all relief allowed by law and equity, including, but not limited to, declaratory, preliminary and permanent injunctive relief; and

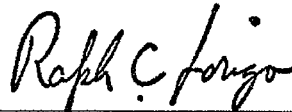
(D) A judgment granting Ms. Moy such other, further and different relief that the Court deems just, equitable and proper.

Respectfully submitted,



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ROBERT N. RUST, ESQ.  
Rust Law, LLC  
4461 Kohler Drive, Allentown, PA 18103-6024  
(610) 821-0484 [mrust@rustlawllc.com](mailto:mrust@rustlawllc.com)  
Counsel for the Plaintiff



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LAW OFFICE OF RALPH C. LORIGO  
Ralph C. Lorigo, Esq., of counsel

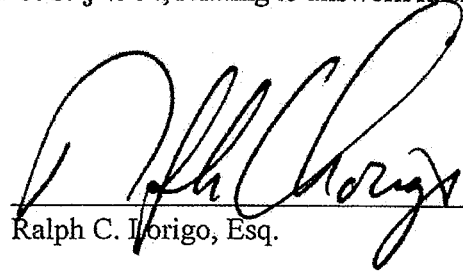
101 Slade Avenue  
West Seneca NY 14224  
(716) 824-7200

rlorigo@lorigo.com  
jminear @ lorigo.com  
Of Counsel Attorneys for Plaintiff

VERIFICATION

I, Ralph C. Lorigo, hereby verify that the factual statements made in the foregoing Complaint for Emergency Medical Declaratory Judgment and Emergency Injunctive Relief are true and correct to the best of my knowledge, information, and belief. I understand that false statements are made subject to the penalties of 18 Pa. C. S. § 4904, relating to unsworn falsification to authorities.

Date: April 9, 2024

  
Ralph C. Lorigo, Esq.



## Robert Rust

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**From:** Robert Rust  
**Sent:** Wednesday, April 10, 2024 9:58 AM  
**To:** rlorigo@lorigo.com  
**Cc:** Jon F. Minear; Al Stirba; Lisa Keele  
**Subject:** FW: Today's filing

Ralph,

As Jon is in court today, he asked me to forward the email that follows below to you and any other correspondence of the day regarding our filing with the Lehigh County Court of Common Pleas.

*Bob Rust*

Robert Nelson Rust III, Esquire  
Rust Law LLC

This email correspondence, together with any attached files, is considered confidential and may be legally privileged. If you have received it in error, you are on notice as to its status and are requested to refrain from making copies or use it for any purpose, or disclose its contents to third parties, and to delete it from your system, confirming that you have done so via an email response. Your cooperation is very much appreciated.

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**From:** Robert Rust  
**Sent:** Wednesday, April 10, 2024 9:40 AM  
**To:** Jon F. Minear <jminear@lorigo.com>; Al Stirba <alstirba@driscolehowell.com>  
**Cc:** Lisa Keele <lkeele@rustlawllc.com>  
**Subject:** Today's filing

Jon & Al,

Please either confirm or correct the following description of what is being filed today:

- Complaint For Emergency Medical Declaratory Judgment and Emergency Injunctive Relief and Verification
- Exhibits
  - Exhibit A - Moy Power of Attorney
  - Exhibit B – Koy Declaration
  - Exhibit C – Moy Affidavit
- Certificate of Service
- Petition to allow Attorney Ralph Lorigo to participate remotely

The foregoing presumes the Pro Hac Vice has been filed to allow for Ralph to represent the Plaintiff and it presumes that Denise provides us with her signed Affidavit in one piece (as opposed to the 4 part PDF sent last night)

Thank you

*Bob*

Robert Nelson Rust III, Esquire  
Rust Law LLC  
4461 Kohler Drive

Allentown, PA 18103-6029  
610 821 0484 -- (Fax) 610 646 5496  
Conference Line -- 609 663 1803  
Mobile: 484 707 5124  
Email: [rnrust@rustlawllc.com](mailto:rnrust@rustlawllc.com)



This email correspondence, together with any attached files, is considered confidential and may be legally privileged. If you have received it in error, you are on notice as to its status and are requested to refrain from making copies or use it for any purpose, or disclose its contents to third parties, and to delete it from your system, confirming that you have done so via an email response. Your cooperation is very much appreciated.

*Ecce Quam Bonum (Psalm 133)- Veritatis et aequitatis tenax (Rust) - Sola Juvat Virtus (Stuart) - Non Nobis, Domine (Psalm 115) - Domini, probasti (Psalm 139)*

*"He has showed you O man what is good. And what does the Lord require of you? But to do justly and to love mercy, And to walk humbly with your God" Micah 6:8*

*"We grow too soon oldt and too late schmardt" Pennsylvania Dutch Folk Wisdom*

*"Ninety-eight percent of the adults in this country are decent, hard working Americans. It's the other lousy two percent that get all the publicity. But then we elected them." Lily Tomlin*

*"There are more instances of abridgement of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." James Madison*

# EXHIBIT “A”

## DURABLE GENERAL POWER OF ATTORNEY

### NOTICE

(SIGNED BY PRINCIPAL)

THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE PERSON YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR PROPERTY, WHICH MAY INCLUDE POWERS TO SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU.

THIS POWER OF ATTORNEY DOES NOT IMPOSE A DUTY ON YOUR AGENT TO EXERCISE GRANTED POWERS, BUT WHEN POWERS ARE EXERCISED, YOUR AGENT MUST USE DUE CARE TO ACT FOR YOUR BENEFIT AND IN ACCORDANCE WITH THIS POWER OF ATTORNEY.

YOUR AGENT MAY EXERCISE THE POWERS GIVEN HERE THROUGHOUT YOUR LIFETIME, EVEN AFTER YOU BECOME INCAPACITATED, UNLESS YOU EXPRESSLY LIMIT THE DURATION OF THESE POWERS OR YOU REVOKE THESE POWERS OR A COURT ACTING ON YOUR BEHALF TERMINATES YOUR AGENT'S AUTHORITY.

YOUR AGENT MUST ACT IN ACCORDANCE WITH YOUR REASONABLE EXPECTATIONS TO THE EXTENT ACTUALLY KNOWN BY YOUR AGENT AND, OTHERWISE, IN YOUR BEST INTEREST, ACT IN GOOD FAITH AND ACT ONLY WITHIN THE SCOPE OF AUTHORITY GRANTED BY YOU IN THE POWER OF ATTORNEY.

THE LAW PERMITS YOU, IF YOU CHOOSE, TO GRANT BROAD AUTHORITY TO AN AGENT UNDER POWER OF ATTORNEY, INCLUDING THE ABILITY TO GIVE AWAY ALL OF YOUR PROPERTY WHILE YOU ARE ALIVE OR TO SUBSTANTIALLY CHANGE HOW YOUR PROPERTY IS DISTRIBUTED AT YOUR DEATH. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY AT LAW TO MAKE SURE YOU UNDERSTAND IT.

A COURT CAN TAKE AWAY THE POWERS OF YOUR AGENT IF IT FINDS YOUR AGENT IS NOT ACTING PROPERLY.

THE POWERS AND DUTIES OF AN AGENT UNDER A POWER OF ATTORNEY ARE EXPLAINED MORE FULLY IN 20 PA.C.S. CH. 56.

IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER OF YOUR OWN CHOOSING TO EXPLAIN IT TO YOU.





### GRANT OF POWERS

I, GUY D. FERRAILOLO, residing at 722 4th Street, Whitehall, PA 18052, hereby appoint DENISE MOY as my Agent, for me, and in my name or in her own name, and on my behalf, to take all actions and perform all acts concerning my affairs she may deem necessary or advisable, in her absolute discretion, including, without limiting the generality of the foregoing, all acts or actions with respect to any person, matter, transaction or property, whether real, personal or mixed, tangible or intangible, now owned or later acquired by me, and also including, but not by way of limitation, the following powers:

1. To ask, demand, recover and receive:

A. All and any sums of money now or hereafter due and payable to me from any person or persons whatsoever.

B. All and any property and assets which I may be entitled from any person or persons whatsoever.

2. A. To buy or sell (including short sales) at public or private sale for cash or credit or partly for cash all types of stocks, bonds and securities; exchange, transfer, hypothecate, pledge or otherwise dispose of any stock, bond or other security.

B. To collect dividends, interest and other distributions.

C. To vote in person or by proxy, with or without power of substitution, either discretionary, general or otherwise, at any meeting.

D. To join in any merger, reorganization, voting-trust plan or other concerted action of security holders and make payments in connection therewith.

E. To hold any evidence of other ownership of any stock, bond or other security belonging to me in the name of a nominee selected by my Agent.

F. To deposit or arrange for the deposit of securities in a clearing corporation as defined in Division 8 of Title 13, Pennsylvania Statutes (relating to investment securities).

G. To receive, hold or transfer securities in book-entry form.

H. In general, exercise all powers with respect to stocks, bonds and securities that I could if present.

I. To apply for the replacement of lost securities, including certificates of deposit, including the ability to sign a bond of indemnification.

3. A. To demand, withdraw and receive the income or corpus of any trust over which I have the power to make withdrawals;

B. To request and receive the income or corpus of any trust with respect to which the trustee thereof has the discretionary power to make distribution to or on behalf of me; and

C. Execute a receipt and release or similar document for the property received under paragraphs (1) and (2).

4. A. To sign checks, drafts, orders, notes, bills of exchange and other instruments ("items") or otherwise make withdrawals from checking, savings, transaction, deposit, loan or other accounts in my name and endorse items payable to me and receive the proceeds in cash or otherwise.

B. To open and close such accounts in my name, purchase and redeem savings certificates, certificates of deposit or similar instruments in my name and execute and deliver receipts for any funds withdrawn or certificates redeemed.

C. To deposit any funds received for me in my accounts.

D. To do all acts regarding checking, savings, transaction, deposit, loan or other accounts, savings certificates, certificates of deposit or similar instruments, the same as I could do if personally present.

E. To sign any tax information or reporting form required by Federal, State or local taxing authorities, including, but not limited to, any Form W-9 or similar form.

F. In general, transact any business with a banking or financial institution that I could if present.



5. To enter any safe deposit box in my name; add to or remove the contents of such box, open and close safe deposit boxes in my name; however, the Agent shall not deposit or keep in any safe deposit box of mine any property in which the Agent has a personal interest.

6. A. To buy, sell, lease, exchange, collect, possess and take title to tangible personal property;

B. To move, store, shop, restore, maintain, repair, improve, manage, preserve and insure tangible personal property;

C. In general, exercise all powers with respect to tangible personal property that I could if present.

7. A. To acquire or dispose of real property (including my residence) or any interest therein, including, but not limited to, the power to buy or sell at public or private sale for cash or credit or partly for each; exchange, mortgage, encumber, lease for any period of time; give or acquire options for sales, purchases, exchanges or leases; buy at judicial sale any property on which the principal holds a mortgage.

B. To manage, repair, improve, maintain, restore, alter, build, protect or insure real property; demolish structures or develop real estate or any interest in real estate.

C. To collect rent, sale proceeds and earnings from real estate; pay, contest, protest and compromise real estate taxes and assessments.

D. To release in whole or in part, assign the whole or a part of, satisfy in whole or in part and enforce any mortgage, encumbrance, lien or other claim to real property.

E. To grant easements, dedicate real estate, partition and subdivide real estate and file plans, applications or other documents in connection therewith.

F. In general, exercise all powers with respect to real property that I could if present.

8. A. To institute, prosecute, defend, abandon, arbitrate, compromise, settle or otherwise dispose of, and appear for me in, any legal proceedings before any tribunal regarding any claim relating to me or to any property interest of mine.

B. To collect and receipt for any claim or settlement proceeds; waive or release rights of mine; employ and discharge attorneys and others on such terms (including contingent fee arrangements) as my Agent deems appropriate.

C. In general, exercise all powers with respect to claims and litigation that I could if present.

9. A. To prepare, sign, verify and file any tax return on my behalf, including, but not limited to, joint returns and declarations of estimated tax; examine and copy all my tax returns and tax records.

B. To sign an Internal Revenue Service power of attorney form.

C. To represent me before any taxing authority; protest and litigate tax assessments; claim, sue for and collect tax refunds; waive rights and sign all documents required to settle, pay and determine tax liabilities; sign waivers extending the period of time for the assessment of taxes or tax deficiencies.

D. In general, exercise all powers with respect to tax matters that I could if present.

10. My agent is authorized to enter into custodian agreements or agency agreements or investment management agreements with any corporate institution. My Agent may employ, compensate and discharge such institution acting under an agency, custodial or investment management agreement.

11. My Agent is authorized to employ, compensate and discharge agents, attorneys, consultants, accountants, advisors, and such other representatives as may be deemed appropriate with respect to the investment and management of my assets.

12. My Agent may, in the absolute discretion of my Agent, pay to or apply for my benefit so much of my income and principal as my Agent shall deem advisable for my health, education, support, and maintenance and for the protection and preservation of my property interests. My Agent may arrange, authorize and pay for home care for me.

13. My Agent may renounce any fiduciary positions to which I have been appointed and resign any fiduciary positions in which I am then serving and either file an accounting with a court of competent jurisdiction or settle on receipt and release or other informal method as my Agent may deem advisable. "Fiduciary" shall be defined to include, without limitation, an executor, administrator, trustee, guardian, Agent, or officer or director of a corporation.

14. My Agent may create a trust for my benefit, designating one or more persons (including the Agent, and/or a qualified corporate institution as original or successor trustees) and transfer to the trust any and all property owned by me as the Agent may decide, subject to the following conditions:

A. The income and corpus of the trust shall either be distributable to me or to my guardian or to my Agent and be applied for my benefit and upon my death any remaining balance of corpus and unexpended income of the trust shall be distributed to my estate.

B. The deed of trust may be amended or revoked at any time and from time to time in whole or in part, by me or by my Agent, provided that any such amendment by the Agent shall not include any provision which could not be included in the original deed.

C. My Agent shall have the right to remove the corporate Trustee or corporate Co-Trustee, if any, and to designate an individual or qualified corporate institution as successor, if any, Trustee or Co-Trustee in or out of the Commonwealth of Pennsylvania.

15. My Agent, at any time or times, may add any or all of the property owned by me to any trust in existence when the power was created, provided that the terms of such trust relating to the disposition of the income and corpus during my lifetime are the same as those set forth in paragraph 14. above.

16. My Agent may release or disclaim any interest in property on my behalf in accordance with the applicable law relating to disclaimers or relating to release or disclaimers of powers or interest, provided that any disclaimer under the applicable law shall be in accordance with the provisions of applicable law in case I have been adjudicated incapacitated at the time of the execution of the disclaimer.

17. My Agent may procure, change, carry or cancel insurance of such kind and in such amounts against any and all risks affecting property or persons against liability, damage or claim of any sort.

18. A. To purchase, continue, renew, convert or terminate any type of insurance (including, but not limited to, life, accident, health, disability or liability insurance) and pay premiums and collect benefits and proceeds under insurance policies.

B. To exercise nonforfeiture provisions under insurance policies.

C. In general, exercise all powers with respect to insurance that I could if present; however, the Agent cannot designate himself beneficiary of a life insurance policy unless the Agent is the spouse, child, grandchild, parent, brother or sister of the principal.

19. My Agent may borrow money for my account in such amounts for such periods and upon such terms as my Agent shall deem proper and to secure any loan by the mortgage or pledge of any property.

20. My Agent may contribute to, withdraw from and deposit funds in any type of retirement plan (including, but not limited to, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and retirement plan, deferred compensation plan or individual retirement account), select and change payment options for me, make roll-over contributions from any retirement plan to other retirement plans and, in general, exercise all powers with respect to retirement plans that I could if present.

21. My Agent may receive a bequest, devise, gift or other transfer of real or personal property to me in my own right or as a fiduciary for another and give full receipt and acquittance therefor or a refunding bond therefor; approve accounts of any estate, trust, partnership or other transaction in which I may have an interest; and enter into any compromise and release in regard thereto.

22. My Agent may prepare, sign and file any claim or application for Social Security, unemployment, military service or other government benefits; collect and receipt for all government benefits or assistance; and, in general, exercise all powers with respect to government benefits that I could if present.

23. My Agent shall have the power to authorize for my admission to a medical, nursing, residential or similar facility and to enter into agreements for my care which includes the power to;

A. Apply for my admission to a medical, nursing, residential, hospice, assisted living, or other similar facility;

B. Execute any consent or admission forms required by such facility which are consistent with this power of attorney;

C. Enter into agreements for my care by such facility or elsewhere during my lifetime or for such lesser period of time as my Agent may designate, including the employment of health care personnel for me;

D. Authorize my discharge from such facility; and

E. Hire and fire medical, social service, and other support personnel responsible for my care.

F. Authorize and direct any physician, health care professional, health care provider, and medical care facility to provide to my agent/surrogate information relating to my physical and mental condition and the diagnosis, prognosis, care and treatment thereof upon the request of my agent/surrogate. It is my intent by this authorization for my agent/surrogate to be considered a personal representative under privacy regulations related to protected health information and for my agent/surrogate to be entitled to all health information in the same manner as if I personally were making the request. This authorization and directions shall also be considered a consent to the release of such information under current and future regulations, laws, and rules including, but not limited to, the express grant of authority to personal representatives as provided by Regulation Section 164.502(g) of Title 45 of the Code of Federal Regulations and medical information privacy law and regulations generally referred to as HIPAA.

24. A. My Agent shall have the power to arrange for and consent to medical, therapeutic, and surgical procedures for me, including the administration of drugs.

B. My Agent shall have access to medical records and information to the same extent that I am entitled to, including the right to disclose the contents to others.

C. My Agent shall have the power to exercise any and all rights and powers concerning my care, custody, and medical treatment that I could have made and exercised on my own behalf.

25. My Agent may receive government benefits and may prepare, sign and file any claim or application for Social Security, unemployment, military service or other government benefits; collect and receipt for all government benefits or assistance; and, in general, exercise all powers with respect to government benefits.

26. I grant to my Agent full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper or necessary to be done, in the exercise of any of the rights and powers herein granted, as fully to all intents and purposes as I might or could do if personally present, hereby ratifying and confirming all that said Agent shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.

#### GENERAL PROVISIONS

The powers conferred upon my Agent shall relate to any asset which I own alone or with any other person now or hereafter.

The rights, powers, and authority of my Agent herein granted shall commence and be in full force and effect on the date hereof until revocation.

I nominate DENISE MOY to be considered for appointment as the guardian of my person and/or estate by the Court if incapacitation proceedings for me are hereafter commenced.

This power of attorney may be accepted and relied upon by anyone to whom it is presented until such person either receives written notice of revocation by me or a guardian or similar fiduciary of my estate or has actual knowledge of my death.

This power of attorney may be executed in one or more counterparts, each of which shall be deemed an original.

This power of attorney shall not be affected by my subsequent disability or incapacity.

1/30/15/ges/POA/FERRAILOLO, GUY D.

I hereby revoke, end and terminate all powers of attorney executed by me which predate this power of attorney.

IN WITNESS WHEREOF, I, GUY D. FERRAILOLO, have signed this power of attorney this 10<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
GUY D. FERRAILOLO

WITNESS STATEMENT

I declare that the person who signed the attached or foregoing Notice and Durable General Power of Attorney signed it in my presence and that he appears to be over the age of eighteen (18) years, of sound mind and under no constraint, duress, fraud, or undue influence.

Witness #1

Signature: [Handwritten Signature] Date: 2/10/15

Print Name: Robert M. Knauer Telephone: 610-821-6819

Address: 143 N. 8th Street, Allentown, PA 18101

Witness #2

Signature: [Handwritten Signature] Date: 2/10/15

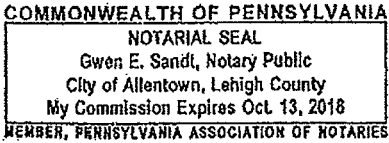
Print Name: Gane Detra Davenport Telephone: 610-821-6819

Address: 143 N. 8th Street, Allentown, PA 18101

COMMONWEALTH OF PENNSYLVANIA )  
 ) SS:  
COUNTY OF LEHIGH )

On this, the 10th day of February, 2015, before me the undersigned officer, personally appeared GUY D. FERRAILOLO, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



[Handwritten Signature]  
NOTARY PUBLIC



# EXHIBIT “B”

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DENISE MOY, as attorney in fact for  
GUY D. FERRAIOLO,

Plaintiff,

v.

ST. LUKE'S UNIVERSITY HEALTH NETWORK,

and

ST. LUKE'S UNIVERSITY HOSPITAL - BETHLEHEM,

Defendants.

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**DECLARATION OF PIERRE KORY, M.D.**

I, Pierre Kory, M.D., do hereby declare under the penalty of perjury that the statements set forth herein are true to my knowledge:

1. I am a pulmonary and critical care medicine doctor and am board certified by the American Board of Internal Medicine in Internal Medicine, Pulmonary Diseases, and Critical Care Medicine. I am licensed to practice medicine in Wisconsin.

2. From 2008 to 2015, I was an attending physician providing critical care medicine, inpatient pulmonary consultation, and outpatient pulmonary consultation services at Mount Sinai Beth Israel Medical Center in New York City. From 2015 to 2020, I was an Associate Professor at the University of Wisconsin where I served as the Medical Director of the main medical-surgical Intensive Care Unit called the Trauma and Life Support Center and was also the Critical Care Service Chief.

3. I am considered a world-expert and pioneer in the field of critical care ultrasonography as I am the senior author of a best-selling textbook on the topic which has been translated into 6 languages.

4. A true and correct copy of my curriculum vitae, which contains a more detailed and accurate summary of my education, training and experience, is attached hereto Exhibit "A".

5. I am one of the founding members of Front Line COVID-19 Critical Care Alliance (the "FLCCC"), a group of expert ICU physicians who have developed combination therapy treatment protocols for Covid-19 with repurposed drugs.

6. The FLCCC has partnered with renowned breast cancer physician and researcher Kathleen Ruddy, MD, to conduct an observational study in collaboration with five U.S. clinics to track patient responses to various adjunct cancer therapies using repurposed drugs (the "Cancer Study").

7. The aim is to determine changes in the five-year survival rate of several types of cancer including breast, prostate, lung, and colorectal.

8. I am treating various patients who are part of this Cancer Study.

9. I am certified as a Tribal Practitioner by the First Nations' Medical Board under the Crow Indian Tribe. Under a federal statute with Native American Tribes, this allows me to treat any Crow Indian Tribe Member in any state they reside in. Guy is a registered member of the Crow Indian Tribe.

10. Standard chemotherapy and radiotherapy has had a marginal mortality benefit for solid tumors over the last 30 years. While chemotherapy is potentially curative for select tumors such as testicular cancer, lymphoma and certain leukemias for common solid cancers such as stomach, pancreatic and colorectal, chemotherapy has been acknowledged to be palliative with no survival advantage but with associated enormous toxicity as occurred in Guy's case.

11. Chemotherapy has numerous limitations notwithstanding the systemic toxicity including the fact that it only targets a small percentage of the rapidly dividing cancer cells;

however chemotherapy does not target the cancer stem cell; indeed numerous studies demonstrate that standard chemotherapy promotes cancer stem cell proliferation; impairs the tumor microenvironment by interfering with T cell and NK cell activity as well as enhancing the tumor microenvironment inflammatory milieu.

12. In contrast almost all of the proposed drugs suggested have multiple modes of action proven by multiple peer reviewed publications including anti-proliferative, pro-apoptotic, suppression of tumor cancer stem cells, inhibition of angiogenesis, enhancement of tumor immunity (T cell and NK cell), inhibition of metastatic spread to name a few.

13. Ivermectin in particular profoundly inhibits the Wnt pathway inhibiting cancer stem cells and cell proliferation. In addition, it has numerous other anti-tumor properties (suppression via B-catenin signaling, autophagy induction, MDR protein inhibition, Akt/mTor inhibition among others).

14. According to FDA policy, off-label FDA approved drugs can be administered to patients at the discretion of the treating physician; indeed, the FDA encourages and supports such prescribing.

15. Similarly, national guidelines cannot be used to limit the prescription of off-label drugs for cancer or any other indication.

16. As part of the Cancer Study, I would be treating Guy with the following repurposed drugs and vitamins:

- A. **Ivermectin** – Ivermectin and all the other drugs/nutraceutical used as in the repurposed drug protocols are remarkably safe with no evidence of nephrotoxicity or other organ toxicity. Ivermectin can be safely administered to patients with renal failure and does not require dosage adjustment.

- B. **Copper** - The dose of copper is extremely low and not nephrotoxic.
- C. **Vitamin C** - As a recognized world expert on intravenous vitamin C; I have never seen a patient with kidney stones due to IV vitamin C; this is an exceedingly rare complication seen only with prolonged (many weeks) administration of vitamin C in massive doses.
- D. **Vitamin D** – Vitamin D can safely be administered in doses up to 50 000 iu/day and DOES not cause vitamin D toxicity especially when this dose is used short term. Vitamin D toxicity is only seen when the vitamin D level exceeds 250 ug/ml which requires massive doses of vitamin D given over a prolonged period of time.
- E. **Mebendazole**- Metformin is a remarkably safe drug with very few side effects. The most common adverse effects include abdominal or stomach discomfort, cough, hoarseness, decreased appetite, and diarrhea. Prolonged use is associated with vitamin B12 deficiency; supplementation with a B complex vitamin is therefore suggested.
- F. **Atorvastatin** – no dosage adjustment for kidney disease.
- G. **Itraconazole** – no dosage adjustment in kidney disease.
- H. **Disulfiram** - no dosage adjustment for kidney disease.
- I. **EGCG** - Green tea extract has rarely been associated with liver toxicity so liver function will be monitored.
- J. **Melatonin** – Melatonin has numerous biological properties acting both directly and indirectly as a potent antioxidant. Melatonin is probably the safest medical compound available, (it is impossible to kill an animal with industrial doses of

melatonin). The only side effects reported are early morning drowsiness and “bad dreams” (when the dose is increased too rapidly).

**K. Curcumin** - Curcumin has been characterized as “generally safe” by the US Food and Drug Administration (FDA). (651) No toxicity is seen for doses of up to 8–10 g/day.

**L. Omega-3 Fatty Acids**- We suggest a dose of 2-4 g omega-3 FAs daily.

**M. Doxycycline** – no dosage adjustment in kidney disease. Serious adverse effects are uncommon, with the most common adverse effects being headache and nausea. Because of the effects of antibiotics on the microbiome a prolonged course of doxycycline should be avoided.

17. Based on all of the above, it is my medical opinion that aforementioned Care Study, treatment, medications, vitamins and supplements associated therewith are extremely beneficial, safe, and pose little to no risk in treating Guy’s cancer.

DATED: April 8, 2024

  
\_\_\_\_\_  
Pierre Kory, MD

**Dr. Pierre Kory**

M.P.A., M.D.



Founding member of the FLCCC Alliance and co-author of the MATH+ and I-MASK+ Prophylaxis and Treatment Protocols for COVID-19

**Contributions to the Field of Medicine**

Pierre Kory is the former Chief of the Critical Care Service and Medical Director of the Trauma and Life Support Center at the University of Wisconsin. He is considered one of the world pioneers in the use of ultrasound by physicians in the diagnosis and treatment of critically ill patients. He helped develop and run the first national courses in Critical Care Ultrasonography in the U.S., and served as a Director of these courses with the American College of Chest Physicians for several years. He is also the senior editor of the most popular textbook in the field titled "Point of Care Ultrasound," a book that is now in its 2<sup>nd</sup> edition and that has been translated into 7 languages worldwide. He has led over 100 courses nationally and internationally teaching physicians this now-standard skill in his specialty.

Dr. Kory was also one of the pioneers in the United States in the research, development, and teaching of performing therapeutic hypothermia to treat post-cardiac arrest patients. In 2005, his hospital was the first in New York City to begin regularly treating patients with therapeutic hypothermia. He then served as an expert panel member for New York City's Project Hypothermia, a collaborative project between the Fire Department of New York and Emergency Medical Services that created cooling protocols within a network of 44 regional hospitals along with a triage and transport system that directed patients to centers of excellence in hypothermia treatment, of which his hospital was one of the first.

Known as a Master Educator, Dr. Kory has won numerous departmental and divisional teaching awards in every hospital he has worked and has delivered hundreds of courses and invited lectures throughout his career.

In collaboration with Dr. Paul Marik, Dr. Kory pioneered the research and treatment of septic shock patients with high doses of intravenous ascorbic acid. His work was the first to identify the critical relationship between the time of initiation of therapy and survival in septic shock patients, an aspect of the therapy that led to understanding all the failed randomized controlled trials that employed delayed therapy.

Dr. Kory has led ICU's in multiple COVID-19 hotspots throughout the pandemic, having led his old ICU in New York City during their initial surge in May for 5 straight weeks, he then travelled to other COVID-19 hotspots to run COVID ICU's in Greenville, South Carolina and Milwaukee, WI during their surges. He has co-authored over ten influential papers on COVID-19 with the most impactful being a paper that was the first to support the diagnosis of early COVID-19 respiratory disease as an organizing pneumonia, thus explaining the critical response of the disease to corticosteroids.

# EXHIBIT “C”



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DENISE MOY, as attorney in fact for  
GUY D. FERRAIOLO,

Plaintiff,

v.

ST. LUKE'S UNIVERSITY HEALTH NETWORK,

and

ST. LUKE'S UNIVERSITY HOSPITAL - BETHLEHEM,

Defendants.

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**AFFIDAVIT OF DENISE MOY IN SUPPORT OF HER  
MOTION SEEKING EMERGENCY AND INJUNCTIVE RELIEF**

Denise Moy, having first been duly sworn, deposes and says as follows:

1. Guy Ferraiolo is my husband; I am his attorney in fact via his Power of Attorney; this action is brought on his behalf in my capacity as his attorney in fact; attached hereto as Exhibit "A" is the Power of Attorney, naming me as his attorney in fact.

2. I am fully familiar with all of the facts and circumstances of this Motion; my knowledge is based upon (A) my personal knowledge; (B) my authority as Guy's attorney in fact; and (C) my review of the documents relevant to this Motion.

3. I make this Affidavit in support of my Motion seeking an Order, compelling the Defendants, its agents, assigns, or any third party acting on their behalf to comply with the Care Study, its treatment plan, and administration of medications associated therewith.

4. For the reasons set forth herein, it is respectfully submitted that this Motion should be granted in its entirety.

5. Guy and I have been together for over 40 years; we are married.

6. He is a 71-year-old retired software developer and real estate investor.

7. Attached hereto as Exhibit "B" is a recent picture of Guy.
8. In January 2024, Guy was diagnosed with Stage IV gastric and bladder cancer.
9. On March 7, 2024, he underwent his first and only round of chemotherapy and unfortunately, he developed tumor lysis syndrome, renal failure, ascites, and an agitated and disoriented encephalopathy.
10. Shortly thereafter, he was placed on dialysis and remains on dialysis without improvement of his kidney function.
11. Guy continues to bleed internally from his stomach, which requires frequent transfusions.
12. The ascites puts pressure on Guy's lungs, making breathing difficult. He cannot sit up, lie flat, or roll on his side because of the fluid buildup. Paracentesis drains some of the fluid, which helps Guy's breathing but can also result in more gastric bleeding.
13. Attached hereto as Exhibit "C" is a picture of Guy after his diagnosis.
14. At this point, the Defendants have exhausted their treatment protocols for Guy and refuse to try any other treatment; in fact, the Defendants want to place him on palliative care.
15. At this point, there is nothing more the Defendants can do, or will do, for my husband.
16. However, I cannot give up on him, even if the Defendants have. There is no reason why the Defendants cannot approve or authorize other forms of treatment so long as the benefits outweigh the risks.
17. Running out of options, Guy's health care proxy, Dr. Messina, and I began researching other Stage IV cancer treatment options.
18. Dr. Messina discovered the Front Line COVID-19 Critical Care Alliance (the "FLCCC"), including the observational cancer study, which is treating cancer patients using

repurposed drugs, various vitamins, and other supplements (the “Care Study”).

19. Guy signed a consent to participate in the Care Study.

20. Guy, Dr. Messina, and I have requested that the Defendants administer the medications, vitamins, and supplements of medications associated with the Care Study and they have refused.

21. From the Declaration of Dr. Kory, the Care Study treatment plan and the medications, vitamins, and supplements associated therewith are safe for Guy and give him a fighting chance.

22. Guy offered to sign a release and waiver, relinquishing the Defendants, agents of the Defendants, and any third parties on behalf of the Defendants of any liability in administering the Care Plan medications, vitamins, and supplements to my husband; however, the Defendants refused.

23. My husband is on death’s doorstep; he has no other options.

24. With absolutely nothing to lose, with little to no risk, and with the Defendants likely to begin palliative care, there is no basis for them to refuse our request to *try* the Care Study and its repurposed medications, vitamins, and supplements to give Guy a fighting chance.

25. It is respectfully submitted that this Court give my husband a chance.

26. It is further respectfully submitted that this Court compel the Defendants to comply with the Care Study and administer the repurposed medications, vitamins, and supplements monitored by Dr. Kory.

27. It is further respectfully submitted that this Court grant this Motion in its entirety.

28. For all of the foregoing reasons, it is respectfully requested that the Court enter an Order as follows:

A. An order compelling the Defendants and/or their agents to comply with the Care Study, its treatment plan, and administration of the repurposed medications, vitamins, and supplements associated therewith

DENISE MOY  
DENISE MOY

Subscribed and sworn to before  
me on this 10<sup>th</sup> day of April, 2024

[Signature]  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
ROBERT N RUST III - Notary Public  
Lehigh County  
My Commission Expires September 25, 2027  
Commission Number 1234695

DENISE MOY, as attorney in fact for  
GUY D. FERRAILOLO

Plaintiff

vs.

ST. LUKE'S UNIVERSITY HEALTH  
NETWORK and ST. LUKE'S  
UNIVERSITY HOSPITAL-BETHLEHEM

Defendants

: **IN THE COURT OF COMMON  
PLEAS OF LEHIGH COUNTY**

: **CIVIL ACTION –**

: NO.

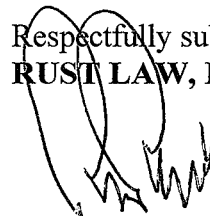
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he is an Attorney and a person of such age and discretion as to be competent to serve papers and that on April 10, 2024, he provided an electronic copy of the Complaint For Emergency Medical Declaratory Judgment And Emergency Injunctive Relief to serve said document on the following individual at the addresses as stated below, unless otherwise indicated:

Robert L. Wax, Esq.  
Senior Vice President &  
General Counsel  
St. Luke's University  
Health Network  
801 Ostrum Street  
Bethlehem, PA 18015  
robert.wax@sluhn.org

Respectfully submitted,  
**RUST LAW, LLC**



DATED: April 10, 2024

By:

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**ROBERT N. RUST III, ESQ.**

Attorney I.D. #20755

Attorney for Plaintiff