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SUPREME COURT, U.S.

NO# 23 - 5552

IN THE

SUPREME COURT OF THE UNITED STATES

LEI YIN -PETITIONER Vs. INTEGRATED RESOURCES INC. EMPLOYER/APPELLEE

AND HARTFORT UNDERWRITERS/ Insurer

ON WRIT OF CERTIORARI TO THE

COMMONWEALTH OF MASSACHUSETTS SUPREME JUDICIAL COURT
(MASC No. FAR-28640)

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Whether the Pro Se Rights shall be preserved in Court Systems in COMMONWEALTH OF MASSACHUSETTS?

In Lei Yin, v. INTEGRATED RESOURCES INC. EMPLOYER/APPELLEE AND HARTFORD UNDERWRITERS/ Insurer. 10 years legal process in MA State Court System (**DIA #23982-14**, Review board of DIA, MA appeals court (2021-P-0050) and , **MA SUPREME JUDICIAL COURT FAR-28640**):

1. Each every evidence Lei Yin presented to MA Court System were all neglected by MA Court system;

2. The Emergency Motion to Report to DIA (Received by DIA, with Stamp on June 18, 2018) that key evidence used in DIA hearing had been intentionally tampered by Biogen/Insurer had been neglected by MA Court System since June 18, 2018 to present 2023.

3. There were no real authentic data been presented by Insuer/Biogen to support their accusations against me. The MA court system had been biased on selecting "facts and evidence" to come to its decision.

Where is Lei Yin's Pro Se Rights???

2. In Civil Cases, including worker compensation case, under what condition those who cannot afford to hire a lawyer MUST be provided one at no cost?

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APPEDIX A.(1-pages) **FAR Reconsideration** was dismissed by Supreme Judicial Court for MA on 6/9, 2023, with Signed by Francis Kenneally Clerk dated on **June 14, 2023..**

APPEDIX B. .(21-pages). **Appellant 's Motion of Reconsideration** Court Order in April 14, 2022 in FAR-28640 And Request Verification The Seven Basic Facts and Two Major Issues in MA Court System, dated on Oct 16, 2022

APPEDIX C.(6-pages) Dismissal **Memorandum And Order** Pursuant To Rule 23.0 in **MA Appeals Court** (21-P-50) dated on Dec 21, 2021

APPEDIX D (36 pages) **BRIEFTS OF Appellant** in 2021-P-50 in **MA Appeals Court** dated Feb 20, 2021

APPEDIX E (1-pages) **Summary Disposition** by **Review Board** MA DIA dated on Feb 25 2020

APPEDIX F. (TOTAL 70 pages, 21 pages of Brief + 49 pages of Appendix) BREIF OF APPELANT, LEI YIN, Pro Se, TO MA Review Board, Dept of Industrial Accidents DIA # 23982-14, Dated on Nov 8th, 2019

APPEDIX G (6-pages). Decision Of The Administrative Judge, DIA, On Case # 23982-14 , dated on Nov 20, 2018. (14BEAN 537- 14 BEAN 542)

APPEDIX H (101 pages) . Emails Chains Record Between Lei Yin and Susan Kalled from private emails covering two days of every week regarding 3 parts of my works in Biogen, as requested by Susan Kalled (a part-time employee of Biogen, who stayed at her home without pay on those two days each week) covering April 2011 to July 7, 2011. These Emails Chains proved I had finished Three Parts of Works with Good Quality of Data, together with Susan Kalled's Agreement and Satisfaction in her emails of April 28 (Appendix H2), of May 3 (Appendix H6), of May 11 @7:38am (Appendix H14), of May 19 @9:01PM (Appendix H22), of May 20 (Appendix H31), of May 23 (Appendix H33), of May 25 (Appendix H32), of May 26 (Appendix H35), of June 2 @9:42PM (Appendix H42), of June 3rd @2:58pm (Appendix H55), of June 7 (Appendix H70), of June 10 @10:23PM (Appendix H80), of June 28 (Appendix H98), of June 30 (Appendix H96).

APPEDIX H Part One is antibody titration and phenotyping for both Susan Kalled and Kevin Optibody;

APPEDIX H Part Two was to build- up a new experimental system in Immunology Biogen that B cell activation by CpG is an early event, happened in hours in both B cell lines and primary human B cell from blood sample;

APPEDIX H Part Three is Dr Kalled's BCMA Antibody's treatment effect in Neurological Disease.

APPEDIX H Part One is antibody titration and phenotyping for both Susan kalled and Kevin Optibody;

Antibody Titration For Susan Kalled was recorded in my following emails to Susan Kalled: email of **April 29, 2011 (see appendix H1, H3)**, email **May 18, 2011 (appendix H14, H18)**; email of **June 21 (appendix H81)**; email of **June 28, 2011 (appendix H91)**;

For Kevin Optibody' antibody titration: I had email records of May 13, 2011 (appendix H18) , email of **June 2nd, 2011 (appendix H38)**; email of **June 28, 2011 (appendix H99)**.

APPEDIX H Part Two was to build- up a new experimental system in Biogen that B cell activation by CpG is an early event, happened in hours in both B cell lines and primary human B cell from blood sample, as comparing Biogen 's believing that this B cell activations happened in multiple days (4-5 days) see Susan Kalled email on May 20, 2011 (appendix H31) **This CpG- B Cell Activation System had proved to work in both B cell lines and primary B cells isolated from human blood sample, as early as 1.5 hours, up to 4 days and 5 days with my work in Biogen.**

For B cell lines, see Emails on May 3 of 2011 showing Day 3 activation (Appendix H4); **May 5, 2011** of activation at 18 hours (Appendix H6); **May 10, 2011** showing activation of 5 days (Appendix H10); **May 18, 2011** showing activation at 18 hours again (Appendix H14); **May 19 2011** showing activation at 3 Day (Appendix H18); **May 27 2011 reproduced** time sequence again **for whole set time points** (Appendix H18) that was set by Susan Kalled as discussed in emails of May 23 (Appendix H37); , and May 26 with Susan Kalled (Appendix H35); , with Susan Kalled's satisfaction and agreement in her emails.

For primary B cells isolated from human blood sample, see emails of June 2nd 2011 that activation in primary B cells from human blood was at **1.5 hours** after CpG activation (Appendix H46); ; email of **June 3rd, 2011** showing B Cell activation in human blood B cell at **18 hours** after CpG treatment (Appendix H50), all tested B Cell Activation markers of CD 54, CD 86 and CD 69 are all activated after 18 hours of CpG treatment (Appendix H50); Emails of **June 10 , 2011 (Appendix H75)** showing at **Day 4** , all B Cell Activation marker were activation as good as in **18 Hour of CpG treatment** (Appendix H50) .

APPEDIX H Part Three is Dr Kalled's patented BCMA Antibody's treatment effect in Neurological Disease. As recorded in email of **May 6th, 2011, attachment in name of "Acid-Wash-May06-2011.ppt"** (see Appendix H7) Please NOTE that in emails of **June 3rd, 2011@3:28 PM** (See Appendix H55) and **July 1st 2011 @10:01AM(see Appendix H96)** , **I had sounded alarms to Susan Kalled and Immunology Director about Susan Kalled's bypassing Gate Out in**

flow cytometry analysis . In June 3rd email(Appendix H55), I had reminded Susan Kalled the pitfalls and mistakes she had bypassed the Gate out step in flow cytometry analyzer. In July 1st email (see Appendix H96), I had sounded alarms to Immunology Director that QA/QC needed in Susan Kalled's research.

In DIA hearing in June 2018, I was able to identify those "BCMA Ab treatment effect of Neurological Disease Project" are recorded in my lab book of May 6, 9, 10, June 6, 14, and 15 of 2011. I had found out there were 4 pages of those lab record in my own lab book had been covered up. And an emergency report to DIA had been filed on June 16th, 2018, with DIA Receiving Seal dated of June 18, 2018 (see APPENDIX I). June 16th, 2018 is the date that my then-attorney informed me he resigned and refused to file any further documents for me unless I accepted the BEST Offer insurer had offered.

APPENDIX I (3 pages). Emergency Motion I had filed on June 16, 2018 Reporting to DIA that Key evidence used in DIA Hearing on June 15, 2018 had been intentionally tampered by Biogen/Insurer, with DIA Receiving Seal dated on June 18, 2018. Four –pages of Lei Yin's Biogen book has been found out to be covered up in worker compensation hearing on June 16, 2018. The BCMA antibody treatment effect in neurological diseases had been located in Pages of my lab book that dated on May 6, 9, 10, June 6, 14, and June 15, 2011. These findings are directly contradictory to Federal District Court's In Camera Inspection in which "nothing relevant" been found by Federal District Court, without my own presence! There are at least Five violations of Good Lab Record Practice when Biogen intentionally covered up 4 pages of my own lab notebook.

APPENDIX J (1-page). Subpoena to Order Biogen Biogen to provide 4 copies of Lab books, written by Lei Yin, Susan Kalled, Kevin Otipody and Robin Bolek, covering from April 1st 2011 to July 31, 2011 had FORWARDED to DIA Administrative Judge and my then –Attorney, request DIA to enable me get access to those 4 copies of lab Books. In the end , Biogen ONLY bring 1 copy of lab book, which is my own, with 4 pages had been covered up by Biogen to the DIA hearing in June 2018.

APPENDIX K.(8-pages) Motion to Compel Discovery (8 items listed) and To answer My Two Sets Interrogatories to Biogen witness, had FORWARDED to DIA, requested DIA Judge issue Compel Order to enable get access to listed 8 items, including emails communications regarding my work in Biogen, and order Biogen witness to answer my written Interrogatories(2 sets, K3-K8). DIA Judge had denied my requests.

APPENDIX L.(2-pages). My exwife's witness statements dated on Jan 2nd, 2015 and "Agreed upon testimony of Yan Lin, a witness called on behalf of employee, Lei Yin", dated on October 31, 2018, co-signed by attorney Robert Barry and attorney Donna Gully in worker compensation hearing.

APPENDIX M.(4-pages). Medical Experts Statements, including primary care physician for ~20 years , Dr Yeh, treating specialists, Dr Cummind, Dr Simkowitz, and Dr Dalby for ~10 years.

Appendix N. My life broke down, my marriage broke up. See my diabetic foot, syncope passing out often broke forehead; living environment by laid in bed all day, protective pad from bed to bathroom.

Appendix O: Biogen Timecard Approved by Susan Kalled of Biogen, who had testified in hearing in 2018 that “ Lei Yin was wnable to follow in the first two weeks in Biogen, and then became insubordenated since April.” Please Note that each every week in May , June, Susan Kalled had issued double-paid bonus to me (shown as OT Hrs). Please also note that I had taken no-pay leaves in week of May 21, May 28, and June 25, due to tiredness, harsh working pressure and environments.

Appendix P: Flow Cytometry Gating strategy, golden practice in the world.

Appendix Q. Figure 1A adopted from Susan Kalled BCMA patent in 2015 (US9034324B2, <https://patents.google.com/patent/US9034324B2/en>), 14 from the total 16 figures of Susan Kalled BCMA patent in 2015 were figures by flow cytometry , which Susan Kalled had *not* declared those flow cytometry data had been collected *without Gating in her patent* (US9034324B2, <https://patents.google.com/patent/US9034324B2/en>).

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRITE OF CERTIORARO

Petitioner Lei Yin respectfully ask that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

Decision dated on June 14, 2023 by Francis V. Kenneally , Clerk of **Supreme Judicial Court for the Commonwealth of Massachussetst**, about my "Reconsideration of FAR application denial and Verification request dated on October 16, 2022, , here comes with Lei Yin, a Pro Se in case **FAR-28640** to File for a writ of certiorari.

Previously my woker compensation case against Integrated Resource, and its Insurer for allegations of research misconducts, discrimination and retaliation, wrongful termination and the outcomes by these issues, together with many other issues at Biogen working site **as Pro Se** had been dismissed by MA Court systems (**DIA #23982-14, Review board of DIA, MA appeals court (2021-P-0050)** and , **MA SUPREME JUDICIAL COURT FAR-28640**. In my ten years legal battle, **the MA Court System had dismissed my case by doing the following THREE THINGS:**

(1).Neglecting all my evidence presented to court against Integrated/ its Insurer, and refused to address my allegations in court orders and memos;

(2). The Emergency Motion filed to DIA (Received by DIA, with Stamp on June 18, 2018) that key evidence used in DIA hearing had been intentionally tampered by Integrated/Insurer had been intentionally neglected by MA Court systems since June 18, 2018 to present time of 2023.

(3) Although there were no real data been presented by Insuer/Biogen to support their statements against me, the MA court system had been biased/partial on selecting "facts and

evidence" that the court liked, without citing my evidence to prove Biogen witness statements were falsed and lied to court, to come to court's present decision.

MA Court system dismissed my claims (see Appendix A, C, E, G) by neglecting all my evidence presented to court, including (1)my witness statement (Agreed by both sides Attorneys (see appendix L). (2)three treating medical specialists' statements (Appendix M2, M3, M4), my primary care physician's statement (Appendix M1), DIA IME (independent medical examiner)'s statement, and Insurer's own medical examiner's statement. (3)my findings on reviewing my own lab book on June 16, 2018 (Appendix I), Time card from Biogen showing each every weeks Biogen had issued overtime bonus to me. (4) the emails chains between Biogen parttime scientist Susan Kalled and myself (Appendix H) proved my work's quality and quantity, just like what had happened in June 2nd, 2011 and June 3rd as an example we will discussed later in this filling. (5)Eespecially my email dated on June 3rd 2011(See Appendix H55) in which I had reminded Dr Kalled the possible **wrongdoings** in flow cytometry without a proper gate out process, and my formal complaint to Biogen management dated on July 1st, 2011 that Susan Kalled had manipulated her data without a poper QA/QC steps(See Appendix H96). (6)These Emails Chains (Appendix H) proved I had finished Three Parts of Works with Good Quality of Data, together with Susan Kalled's Agreement and Satisfaction in all of her emails of April 28 (Appendix H2), of May 3 (Appendix H6), of May 11 @7:38am (Appendix H14), of May 19 @9:01PM (Appendix H22), of May 20 (Appendix H31), of May 23 (Appendix H33), of May 25 (Appendix H32), of May 26 (Appendix H35), of June 2 @9:42PM (Appendix H42), of June 3rd @2:58pm (Appendix H55), of June 7 (Appendix H70), of June 10 @10:23PM (Appendix H80), of June 28 (Appendix H98), of June 30 (Appendix H96). (7)The two plans of antibody titration forwarded to me by Susan and Kevin on June 10/11?, and June 16 2011 upon my requests, and cited by DIA Judge BEAN

in his Decision (see appendix G4, G5) were NOT REAL DATA I had done. More importantly, the two plans of antibody titration on June 10/11?, and June 16 have Nothing to do with BCMA Antibody effect projects that were recorded in my lab book of May 6, 9, 10, June 6, 14, and 15 of 2011. DIA Judge BEAN had intentionally mixed them together (Appendix G4, G5). , that is 100% WRONG!!! MA Court System had abandoned me for past 10 years.

JURISDICTION

Decision dated on June 14, 2023 by Francis V. Kenneally , Clerk of Supreme Judicial Court for the Commonwealth of Massachussetst, about my "Reconsideration of FAR application denial and Verification request" dated on October 16, 2022, , here comes with Lei Yin, a Pro Se in case FAR-28640 to File for a writ of certiorari.

This Court's jurisdiction is invoked under 28 U.S.C. § 1254.

REASONS WHY CERTIORARI SHOULD BE GRANTED

In Lei Yin, v. INTEGRATED RESOURCES INC. EMPLOYER/APPELLEE AND HARTFORD UNDERWRITERS/ Insurer. 10 years legal process in MA State Court System (DIA #23982-14, Review board of DIA, MA court of appeals (2021-P-0050) and , MA SUPREME JUDICIAL COURT FAR-28640):

1. Each every evidence Lei Yin presented to Court were all neglected by MA Court system;
2. The Emergency Motion filed to DIA (Received by DIA, with Stamp on June 18, 2018) that key evidence used in DIA hearing had been intentionally tampered by Biogen and Insurer had been neglected by MA Court system since June 18, 2018 to present 2023.
3. There were no real data been presented by Insuer/Biogen to support their accusation against me. The MA court system had been biased on selecting "facts and evidence" to come to their decision.

Where is Lei Yin's Pro Se Rights???

Pro Se Rights that protected by US Constitution shall be preserved in MA Court system, including DIA, Review Board , MA Appeals Court and MA Supreme Judicial Court. Federal and MA state Rules of Civil Procedure, Federal and MA state Rules of Evidence shall be followed by MA DIA, Review Board, MA Appeals Court and MA Supreme judicial Court in its daily practice, including handling civil cases and

worker compensation case by Pro Se. It is US Supreme Court's duty to protect Pro Se's Rights when MA court systems broke their promise to MA resident of American people.

CONSTITUTIONAL PROVISIONS, STATUTE AND REGULATIONS AT ISSUE

28 U.S.C. § 1654 provides: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

The Fifth and Fourteenth Amendments to the United States Constitution : Due Process, Equal Right and Equal Protection

Pro Se Right shall have the same rights as described in FEDERAL RULES OF EVIDENCE:

RULE 26.p140. Duty to Disclose ; General Provisions Governing Discovery: including witness contact information and statement , expert testimony

RULE 30. Depositions by Oral Examination

RULE 31. Depositions by Written Questions

RULE 33. Interrogatories to Parties

RULE 34. Producing Documents, Electronically Stored Information, and Tangible Things, or Entering Onto Land, for Inspection and Other Purposes

RULE 37. Failure to Make Disclosure or to Cooperate in Discovery : sanction

RULE 45. Subpoena

28 U.S.C. § 1654 provides: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

Case Law of Supreme Court on Pro Se Right:

Faretta v. California, 422 U.S. 806 (1975) :MR. JUSTICE STEWART of the Supreme Court noted that "[i]n the federal courts, **the right of self-representation has been protected by statute** since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel.

Conley v. Gibson, 355 U.S. 41 at 48 (1957) "Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... **"The federal rules reject the approach that pleading is a game of skill in which one misstep by counsel may be decisive**

to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.

Haines v. Kerner, 404 U.S. 519 (1972) "Allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient"... "which we hold to less stringent standards than formal pleadings drafted by lawyers."

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of.

United States ex rel. Bawduniak v. Biogen, Inc (Civil Action No. No. 12-10601-IT) (D. Mass.)

Gideon v. Wainwright:

STATEMENT OF THE CASE

A. Facts Giving Rise To This Case

1. Use email of June 2, 2011 and June 3rd 2011 as an example (appendix H42, H60 , and H61) to show my productivity and working ethics in Biogen, that proved the DIA Administrative Judge 's decision in 2018 (Appendix G) is wrong, and afterwards Decisions based upon DIA Judge Bean's Decision by Review Board, Appeal Court and Supreme Judicial Court of MA are all wrong (Appendix A, C, E).

Plaintiff Lei Yin, Pro Se was a protected minority race at 43 years old asian American in 2011, to refill a Integrated/Biogen position previously held by another asian female PhD scientist at her 50s in 2011. That female asian scientist had said to be terminated without notice from her position by Susan Kalled in Biogen before I joined in Biogen. I was instructed by Susan Kalled of Biogen to cook my research data in flow cytometry assays by bypassing the Gate Out step of Flow cytometry analyzer shortly after I joined Biogen in Susan Kalled's patented BCMA antibody treatment effect in neurological diseases that will decide if she could survive the reorganization process in Biogen, as recorded in my email to remind her the outcome of bypassing Gate Out step in my email on June 3rd, 2011(See Appendix H55). I had worked very hard in Biogen, came early in 7AM, worked through without lunch time, went back home very late, some time at around 10 PM at night (see appendix H42, H60 , and H61). I had

been labled as "slave" by Susan Kalled's full time Biogen associate Robin. On July 1st, 2011, I had made formal writing complaint to Biogen management that Susan Kalled had cooked research books by running flow cytometry assays without a proper QA/QC(see Appendix H96). On July 6th, 2011, I was fired via a phone call at night without any sign-off process, exactly as what had happened to the other Asian female scientist before me, seizing all my personal belongings and reference books, ect , including some unpaid salary.

Take June 2nd, and June 3rd, 2011 As Example to prove my good work. (see Appendix H42, H60, and H61)

On June 2nd, at 7:30 PM, I had reported to Susan Kalled from Biogen lab entitled of "B Cell phenotype and CpG activation 1.5 hr---very good data today" And Susan Kalled had her reply mail @ 9:42 PM from her home . then @9:55PM, from Biogen Lab, I had replied Susan Kalled's email (see appendix H42). That is direct evidence on June 2, 2011, I had worked till late night of 9:55PM at least, after starting working in early morning at 7AM, as Susan Kalled required.

On June 3rd, 2011, there were at least 5 emails written in one day (@11:06 AM, @11:46 AM,@ 2:58 PM, @3:28 PM, and @ 4:03 PM), besides many phone calls from Susan Kalled who was staying at her home and got no-pay from Biogen (Appendix H60, H61).

The first email of June 3, 2011, 11:06 AM, I had reported B cell activation is an early event happens in 1.5 hours. The second email of 6/3/11 11:46 AM, I had reported to Susan Kalled that Very good data again for 18 hr CpG activation in B Cell. The third email is from Susan Kalled of June 3, 2011, 2:58 PM, confirming she is happy with the B cell activation occurs at 1.5 hours and 18 hours data. (see Appendix H60). In the fourth email dated Jun 3, 2011 at 3:28 PM, I had reminded Susan Kalled again the mistakes she had made by intentionally bypassing Gate Out step in her flow cytometry. (see Appendix H60). The fifth email on Jun 3, 2011 was at 4:03 PM

It is Clear by what had happened on June 2, June 3rd, 2011 as examples, even when Susan Kalled stayed at her home and got no-pay from Biogen, Susan Kalled had communicated with me often on the 3 parts of my works by emails and by phone calls, some times in a day there were more than ten times communications with Susan Kalled, via phone calls and emails. She had written me emails from her private email Comcast account in very early morning at 7am, and later night at 10:30PM and 11 PM at night. **I had always responded her questions and instructions immediately by provided her with good quality work, with hard working in the lab, came in early at 7AM, went back late at the night after 9:55PM (see Appendix H42).** This denied Susan Kalled's accusation of my disability to do a simple antibody titration well only after 2 weeks after I joined Biogen in April 2011, and denied the conclusion of 'insubordinate', as cited by DIA Judge in his Decision (Appendix G5). How can DIA administrative Judge Bean came to the "INSUBORDINATE" conclusion by accepting Susan Kalled testimony that I had only worked well for 2 weeks in April 2011, then I had become disability to do a simple task well since April , 2011 (Appendix G)? By totally neglecting the fact that in June 2011 which was two months later than April 2011 (I cannot even do a simple task-antibody titration well as testified by Susan Kalled and Cited by Judge Bean in his Decision in 2018), Susan Kalled could still contacted me daily multiple times (sometimes more than 10 times in one day) by phone calls and emails even when she was not working as a parttime employee, letting me came to work early at 7am, went back after 9:55pm at night(see appendix H42)??? **Do you think that is possible???**

What had happened on June 2nd, 2011 is direct evidence to prove I had worked till late night of 9:55PM at least(see appendix H42), after starting working in early morning at 7AM, as Susan Kalled required. On June 3rd, 2011, there were at least 5 emails written in one day (@11:06 AM, @11:46 AM,@ 2:58 PM, @3:28 PM, and @ 4:03 PM), besides many phone communications with Susan Kalled who was staying at her home and got no-pay from Biogen (Appendix H60, H61). All These data proved I am a hard working scientist, with right working ethics. It also prove what Susan Kalled had testified in DIA Hearing is wrong. And It also prove DIA Adminstrative Judge Bean had come to a biased , partial conclusion (Appendix G) by only

citing Susan Kalled's testimony in DIA hearing, totally intentionally neglecting my side of evidence (Appendix H).

2. My main contribution in Biogen were following three parts:

I am a well-trained Immunologist and Cell Biologist, in both academic and industry settings, expert in flow cytometry and antibody titration. Some **publications using Flow Cytometry and antibody titration are listed here:**

- (1).** Assessment of Ovarian Reserve with Anti-Müllerian Hormone: A Comparison of the Predictive Value of Anti-Müllerian Hormone, Follicle Stimulating Hormone, Inhibin B and Age. American Journal of Obstetrics and Gynecology, 2008 199:202.e1-8 18674663 as Lab Director, CLIA Reference Lab
- (2).** L. Yin, 2005. Chondroitin Synthase is a key molecule of myeloma-osteoclast interaction. Journal of Biological Chemistry, 2005. 280:15666-72. (as corresponding author).
- (3).** L. Yin, et al. 2004. Lysosomal and mitochondrial pathways in H₂O₂-induced apoptosis of alveolar type II epithelial cells. Journal of Cellular Biochemistry, 94 433-445 (1st author as postdoc fellow), Harvard University.

My main contribution in Biogen were following three parts.:

Part One is antibody titration and phenotyping for both Susan Kalled and Kevin Optibody;

Part Two was to build- up a new experimental system in Immunology Biogen that B cell activation by CpG is an early event, happened in hours in both B cell lines and primary human B cell from blood sample, but lasted to 4-5 days.

Part Three is Susan Kalled's patented BCMA Antibody's treatment effect in Neurological Disease (see Susan Kalled 's patent in 2015 "Anti-BCMA antibodies US9034324B2", <https://patents.google.com/patent/US9034324B2/en>).

For proof of Part One work (antibody titration and phenotyping for both Susan kalled and Kevin Optibody), I had email records for antibody titration for Susan Kalled: email of April 29, 2011 (see appendix H1, H3), email May 18, 2011 (appendix H14, H18); email of June 21 (appendix H81); email of June 28, 2011 (appendix H91);

For Kevin Optibody' antibody titration, I had email records of May 13, 2011 (appendix H18) , email of June 2nd, (appendix H38); email of June 28, (appendix H99). **These authentic data proved statements of Susan Kalled and Kevin Optidy in DIA hearing in 2018 were completely WRONG (they both claimed I cannot do a simple task – antibody titration well, after the first two weeks of my work in Biogen, which is April 2011)**

These Part One Data prove what Susan and Kevin's testimony in DIA hearing is false, and also prove what DIA Judge BEAN declared in his decision (Appendix G4, G5) is wrong. Susan Kalled testified I follow her instruction only in first two week (in April 2011), then I **could not do antibody titration well**. Kevin optidy also testified I only worked for him 2 weeks of June 16, 2011, and I could not do antibody titration well. So as declared by DIA Judge BEAB in his decision (Appendix G4, G5). **But here the data show I had done antibody titration for both Susan and Kevin ont only in April, 2011, but also in May and June in 2011, proves both Susan Kalled and Kevin Optidy had lied in their testimony.** If Susan Kalled testimony was correct that I was only able to do the antibody titration well in two weeks in April 2011, then I became unable do this simple task well in **April, 2011**, why same Susan Kalled and Kevin Optidy kept using me do this simple task again and again not only in May 2011, but also in June 2011? **On June 28, 2011, I had done antibody titration for both Susan Kalled and Kevin Optibody at same time upon their requests (see Appendix H91 and Appendix H99).** If Kevin Optidy testimony was correct that I only work with him for two weeks in June 2011 to do antibody titration, why the record showed I had done the antibody titration since May 13, 2011 (appendix H18) till June 28, 2011 (appendix H99)? If I cannot do the task well in May 13, 2011, for what reason , the same Kevin Optidy let me do the same kind of simple task in June 2, 2011, and June 28, 2011? For fun and wasting purpose ONLY, eh?? Please NOTE the emails chain record (appendix H) is covering only part of two days' work in each every week when Susan Kalled stayed at home due to her part-time employee status of Biogen. It is Biogen controlled their Lab books and all emails records that Biogen/Insurer had refused to provide me a copy to review. It is obvious that there were more antibody titration works I had done, once I had gotten access to the full records.

Part Two was to build- up a new experimental system in Biogen that B cell activation by CpG is an early event, happened in hours in both B cell lines and primary human B cell from human blood, as comparing Biogen 's believing that this B cell activations happened after multiple days (4-5 days) (see Susan Kalled email on May 20, 2011 (appendix H31) that " we are trying to replicate the Elkon paper where they saw BCMA upregulation **after 4 days.....**"(appendix H31). This CpG- B Cell Activation System had proved to work in both B cell lines and primary B cells isolated from human blood sample, **as early as 1.5 hours (Appendix H39, H6 for B cell Line) (Appendix H46,H50, for human primary B cell from blood) , up to 4 days and 5 days (appendix H10, H17 for B cell lines) (Appendix H60, H75, H86 for human B cell from blood)** with my work in Biogen in May and June 2011 . **By June 10th 2011,** my original data had proved my original thought that B Cell Activation is rather an early even, happened within hours (see Appendix H39, H6 for B cell Line; and see Appendix H46,H50 for human B cell from blood), rather than 4, 5 days as Susan Kalled proposed (see Appendix H31).

For B cell lines, (see Appendix H39, H6 H10, H17 for B cell Line): on May 3 of 2011 showing Day 3 activation; May 5, 2011 of activation at 18 hours; May 10, 2011 showing activation of 5 days; May 18, 2011 showing activation at 18 hours again; May 19 2011 showing activation at 3 Days; May 27 2011 reproduced time time sequence again for whole set time points set by Susan kalled as discussed in emails of May 23, and May 26 with Susan Kalled, with Susan Kalled's satisfaction and agreement in her emails.

For primary B cells isolated from human blood sample (see appendix H46,H50, H60, H75, H86 for human primary B cell from blood), see emails of June 2nd 2011 that activation in primary B cells from human blood was at **1.5 hours** after CpG activation; email of June 3rd, 2011 showing B Cell activation in human blood B cell at **18 hours** after CpG treatment; all tested B Cell Activation markers of CD 54, CD 86 and CD 69 are all activated after 18 hours of CpG treatment; Emails of **June 10 , 2011 showing at Day 4 , all B Cell Activation marker were activation as good as in 18 Hour of CpG treatment.**

By June 10th 2011, my original data had proved my original thought that B Cell Activation is rather an early even, happened within hours, rather than 4, 5 days as

Susan Kalled proposed, and this early activation experimental system had been widely accepted in multiple projects in Immunology Department of Biogen in 2011 and after.

Part Three of my work is Dr Kalled's patented BCMA Antibody's treatment effect in Neurological Disease. As recorded in email of May 6th, 2011, attachment in name of "Acid-Wash-May06-2011.ppt" (see Appendix H7). Please NOTE that in DIA hearing in June 2018, I was able to identify those "BCMA Ab treatment effect -Neurological Disease experiments" are recorded in my lab book of May 6, 9, 10, June 6, 14, and 15 of 2011.

3. Two emails show that (of June 3, and July 1st, 2011) (See Appendix H55, H96) I had reminded Susan Kalled and Biogen management about Susan Kalled had intentionally bypassing the Gate Out step in flow cytometry that violates flow cytometry protocol used by each every user in the world.

Please NOTE that in emails of June 3rd, 2011 @ 3:28 PM (See Appendix H55,) and July 1st 2011 @ 10:01AM (see Appendix H96) , I had sounded alarms initially to Susan Kalled and then to Immunology Director about Susan Kalled's bypassing Gating Out in flow cytometry analysis . In June 3rd email (Appendix H55), I had reminded Susan Kalled the pitfalls and mistakes she had bypassed the Gate out step in flow cytometry analyzer. In July 1st email (see Appendix H96) I had sounded alarms to Immunology Director that QA/QC needed in Susan Kalled's research (see Appendix H96).

4. My lab Book that recorded BCMA antibody effect in Neurological Disease Had Been Tampered by covering 4 pages up (Appendix I)

In DIA hearing in June 2018, I was able to identify those "BCMA Ab treatment effect - Neurological Disease experiments" are recorded in my lab book of May 6, 9, 10, June 6, 14, and 15 of 2011. I had found out there were 4 pages of those lab record in my own lab book had been covered up. And an emergency report to DIA had been filed on June 16th, 2018, with DIA Receiving Seal dated of June 18, 2018 (Appendix I). There were also phone communications and emails about this Tampering Evidence on the same day of hearing to my then attorney and with the DIA in June 16th, 2011.

Shortly after I joined in Biogen in April 2011, Susan Kalled had instructed me to bypass the Gating Out steps in flow cytometry assay. I had seen with my eyes that Susan Kalled had cooked her book by purposely neglecting the Gating Out step in her flow cytometry process. That will generate some false-positive results as positive, she had also instructed me to do the same and I had refused her. I had talked with her and also written in my email to remind her on June 3rd, 2011(See Appendix H55). After Susan Kalled had confessed to me her previous data were wrong indeed in late June, 2011 upon my inquiry, I had reported to Biogen Department Director about Biogen scientists' misconducts in research for new drug development on July 1st, 2011 (see Appendix H96). Two days later, I was fired by a phone call at night.

My Part Two work as driving force in Immunology Department that B Cell Activation by CpG in different B cell lines, and human healthy donor's B cell, **the B Cell Activation occurs early after CpG treatment, is happening within hours , but lasting to 4 or 5 days.** This finding had been widely accepted by three different projects in Immunology department, including Dr Kalled's own Acid Wash experiment of BCMA antibody treatment effect in neurological disease like Alzheimer's Disease. When I worked on this BCMA antibody treatment effect project, Susan Kalled had shown me how to get the ideal data to initiate a new project in neurological disease as Biogen had cancelled its Immunology Department to focus on Neurology ONLY. Susan Kalled had already been changed to parttime status when I joined Biogen. She had promised a full time job position once I helped her to make the BCMA project work. I had tried my best to help her, came early at 7am, went back very late, some time at 10 PM , as June 2nd , and June 3rd examples shown above. But my 20 years lab experiences told me it is NOT right to bypass the Gate Out steps in flow cytometry analyser, especially what Susan Kalled had done is to bypassing the Gate Out step only in her Experiment Groups, but not in her Control Groups. That is cheating and lying. I had talked to my -then wife about my struggle to adopt Susan Kalled's wrongdoing in May and June 2011 (see Appendix L1). I had decided I should do the right thing to fulfill my civic duty. I had written to Biogen management on July 1st 2011, alerting Biogen Susan Kalled's patented research needed a proper QA/QC as she had chosen to bypassing Gate out step in her flow cytometry assays. EMAIL DATED ON JULY 1ST, 2011 REPORTING TO BIOGEN IMMUNOLOGY

DEPARTMENT DIRECTOR marty.hodge@biogenidec.com THAT SUSAN KALLED PROCESS HER RESEARCH WITHOUT PROPER QA/QC: (See Appendix H55).

I had already talked to Susan Kalled multiple times before July 1st Formal complaints about the mistake she had made by bypassing Gate Out step and I had also reminded her in written as EMAIL DATED **ON JUNE 3, 2011** **REMIND** SUSAN KALLED THE OUTCOME WITHOUT GATING IN FLOW CYTOMETRY: (see Appendix H96 "All figure were not gated (debris, other cell types, dead cells etc included). Days after I filed formal complain to Immunology Director on Susan Kalled had cooked her book by bypassing the Gate Out step in Flow cytometry on July 1st, I was fired at night through a phone call on July 6th, 2011.

The MA Dept. of Industrial Accidents Proceeding:

In DIA, I had forwarded Subpoena to get access 4 copies of Biogen lab books, and I had forwarded the documents requests as listed 8 items for Biogen to produced copy (see appendix J, K). DIA Judge Bean had denied my requests, by **ONLY** allowing me to take a look of **1 copy of lab book-my own lab book in Biogen**. In DIA hearing in 2018, I had a chance to review my Lab Notebook of Biogen for the first time since I left Biogen in 2011 as Federal District Court had always blocked all my motions to get access to Biogen Lab Notebooks as Subpoena issued by District Court Clerk for 11 times in 10 years period of time. Immediately, I had noticed that there were 4 pages of my own lab notebook had been covered up (Appendix I). Numerous Violations of Good Lab Practice Standards Had been Observed when Inspecting Lei Yin's Lab Book of Biogen. I was able to identify those "BCMA Ab treatment effect of Neurological Disease experiments" as recorded in my lab book of May 6, 9, 10, June 6, 14, and 15 of 2011. And this finding was directly contradictory to Federal District Court' early in-camera inspection result "no relevant been found". In the hearing of June 16th, 2018, when I wanted to raised my concerns, DIA judge let me talked to my then-Attorney after hearing. I immediately talked to my then attorney after hearing , but he had pressed and forced me to accept the "Best Offer" the Insurance had offered, or he will resign. He had told me he was unable to make further fillings on behalf of me, as DIA Judge BEAN had made it clear that DIA Judge cannot make a decision against Federal Judge, and that Federal Judge was from MA State Court before appointed as Federal

Court Judge. I cannot sleep for the whole night but decided to make my own filing even with my then-attorney resign. **"Emergency Motion to Report the DIA about the Key evidence had been tampered. "(see Appendix I).** I decided to move on my own. Emergency Motion entitled as " Emergency Confidential Request about Seizing Already Tampered Lei Yin's Biogen Lab Note Book" was immediately filed on June 16, 2018 to DIA (see Appendix I) with DIA Receiving Seals on the filing of June 18, 2018.

But after my filing received by DIA on June 18, 2018, there is NO ruling on this critical filing. When I called , **DIA staffs denied DIA had ever received this filing (at one chance, one female DIA staff had told me that the seating Judge had instructed them not to docket my filing they received on June 18, 2018 into the system).** Since then , many fillings requested DIA to address this key filing had been filed to DIA, DIA Review Board, Appeals Court of MA and Supreme Judicial Court of MA. But MA Court System pretend they were blind to see, deaf to hear, **they dismissed my claims by neglecting all my evidence presented to court,** including my witness statement (appendix L1) (Agreed by both sides Attorneys(Appendix L2), three treating medical specialists' statements (see Appendix M2, M3, M4), my primary care physician's statement (see Appendix M1), DIA IME (independent medical examiner)'s statement, and Insurer's own medical examiner , my findings on reviewing my own lab book on June 16, 2018 (appendix I), Time card from Biogen showing each every weeks Biogen had issued overtime bonus to me, **my emails communications with Biogen scientist Susan Kalled (Appendix H) who is a parttime employee at that time, confirming my contributions and job quality and satisfactory from Dr Kalled** as driving force in Immunology Department that B Cell Activation by CpG in different B cell lines, and human healthy donor's B cell. B Cell Activation occurs early once CpG treatment, is happening within hours , but lasting to 4 or 5 days (Appendix H). This finding had been widely accepted by many different projects in Immunology department, including Dr Kalled's own BCMA antibody treatment effect in neurological disease like Alzheimer's Disease (Appendix H).

(I had also kept US District Court and Appeals Court for 1st circuit reported but both federal courts kept refused to take into consideration and refused again to look at my lab book with my presence, and both federal courts had neglected my requests to verify all the Claims and Facts, and all Evidence I had provided.)

DIA Judges had treated me very biased and poorly. The DIA Judges had dismissed my case for twice by intentionally doing only two things: The first is to **neglecting my main complaints, Facts and Evidence** I had presented to Court (see Appendix H, I, J, K, L, M). The second is that **DIA Judges had blocked** all my efforts to collecting evidence from Biogen (see Appendix J, K), subpoena to **order 4 Copies of Biogen lab Notebooks** (see Appendix J), DIA only **ordered one**

copy, that is my own lab book ONLY). DIA Judge also **blocked** request Biogen listed witness to answer Deposition Questions by writing (Appendix K), **Blocking** request DIA to seize the already tampered evidence used in DIA Hearing , further review the lab book again by opening those covered 4 pages up (Appendix I).

Three examples to prove DIA Judge/ MA Court System had been biased and partial:

EXAMPLE 1. Susan Kalled first stated that " Yes. Probably **two weeks (in April, 2011)** he was able to follow instructions" to Question "Doctor Kalled , you said when Mr Yin first started working there you did not have any problem with him, is that correct?" Then Susan Kalled stated "Perhaps **early June**" to Question " So basicaly, as far as you can tell **the earliest** you gave an actual warning, said that your job might be in jeopardy, was **sometime in June**; is that correct?". There Is No such warning ever exists in all Lab Books, and all the emails communications which Biogen had controlled but refused to provide to ME, not only in DIA hearing, but also in Federal District Hearing. I joined in Biogen in April 2011, **two weeks later was still in April 2011**. If I cannot follow instruction and cannot finish a simple task –antibody titration as claimed by both Susan Kalled and Kevin Optidy, they shall immediately fire me in April 2011. it is Biogen/Insuer had refused to provide all the email communications and 4 copies of lab books (Appendix J, K) among Immunology Department regarding all my works and all performance, hiring and firing, etc as written requested before DIA Hearing and after Hearing.

So the question is if Susan Kalled had found me was not able to do the simple task of antibody titration after 2 weeks of my service in **April, 2011**, **why will she continue to let me do the same "impossible" task in May and June of 2011?** and why Kevin let me do the same antibody titration for him in May and June, till June 28, 2011? Ironically, On June 28, 2011, I had done antibody titration for both Susan Kalled and Kevin Optibody at same time upon their requests (see Appendix H91 and Appendix H99). It is obviously Susan Kalled and Kevin Optidy had lied about "he was able to follow instructions for 2 weeks", as accepted and declared by DIA Judge BEAN in his Decision (appendix G4, G5). Antibody Titration For Susan Kalled were recorded in my email of **April 29, 2011** (see appendix H1, H3), email **May 18, 2011** (appendix H14, H18); email of **June 21** (appendix H81); email of **June 28, 2011** (appendix H91); For Kevin Optibody' antibody titration: I had email records of **May 13, 2011** (appendix H18) , email of **June 2nd, 2011** (appendix H38); email of **June 28, 2011** (appendix H99).

Example Two: Kevin Optidy stated "Yes" to Question" so you use him for about two weeks". Kevin further stated that for "when he was doing titration" 'and keep in mind, these are very simple straight forward experiments, these are not, you know, some high level science", and the antibody titration plan Kevin drew " he pasted it in his notebook on , I believe Page 119, if I remember". In the week of " June 16" , 2011. So here Kevin Optidy stated I ONLY be used by him in June to do some very simple work " antibody titration" for him. However, the Appendix H shows that I had done Titration for Kevin Optidy on May 13, 2011 (Titration of CD3, CD19 and CD 38) (appendix H18), on June 2nd 2011 (CD 14, CD 56 Titration) (appendix H38) and on June 28, 2011 (CD 38 PerCP Titration(appendix H99). So Kevin had lied in DIA Hearing. By the way, Kevin is a junior scientist in Biogen, not Immunology Director as declared by DIA Judge BEAN (see appendix G5)

Please NOTE my email chains (Appendix H) ONLY covered two days work of weekly work when Susan Kalled stayed at her home. It is common sense that if they had already known I cannot do the simple titration well in April 2011, how can Kevin let me do titration assay again on different antibodies on May13 , June 2nd, 2011 and June 28, 2011? And the time from May 13, 2011, to June 28, 2011 is clearly NOT "2 weeks " worked for Kevin Optidy, as he had claimed in DIA hearing. In fact, antibody titration is one of the basic tasks in Immunology and Cell Biology that every one shall master, before doing any experiment. In my Email chains, the first email to Susan Kalled is to report BJAB-phenotype histogram overlay by flow cytometry in April 29th, 2011, which proved I had already passed the titration assay test of multiple antibodies. Without good results of antibody titration as first step, there will be NO phenotyping of multiple antibodies in a B cell line, BJAB as second step.

EXAMPLE THREE. The "concerns" both Susan Kalled and Kevin Optidy raised in DIA hearing were all about antibody titration (Part One), but NOT Susan Kalled patented BCMA treatment effect in Neurological Disease (Part Three), (see Susan Kalled patent Anti-BCMA antibodies US9034324B2, <https://patents.google.com/patent/US9034324B2/en>), in this patent, 14 of total 16 figures are all flow cytometry figures (see Appendix Q). DIA Judge Bean had intentionally mixed up Part one with Part three in his Subsidiary Findings of Fact (Appendix G4 "the first few experimental went well (in April), then the employee changed the protocol, the protocol in the notebook at page 109-11 on June 10..." Why Judge Bean thought it is logic that after Biogen found out I was unable to do antibody titration in April, 2011, Biogen still kept me, working on the same simple task again and again, by paying me Bonus of overtime in each every week since I joined Biogen as Biogen Time Card shown, asked me came in early at 7am, worked through without Lunch, went back late at night, some time at 10PM?. More, those two protocol was antibody titration plan as described in cross examination by Susan Kalled, so it is clear part one work related, it is a

antibody titration Plan, not even a real piece of antibody titration data I had produced, even further away as in Part Two of my work (CpG-activation in B Cell) and Part three (BCMA acid wash project). In Appendic G5, Judge Bean stated " this is a clear case of insubordination", in emails chains in Appendix H, there is never a sentence that showing a hint of my "insubordination". And It is Biogen/Inssuer had refused to provided all records of emails, 4 copies of lab books, etc. If they indeed have the record to attack me, why NOT show? Then DIA judge Bean come to a conclusion of " *Bona fide* personnel actions", citing " Because of my finding that all of the complained of actions by Doctors Kalled and Otipody are *bona fide* personnel actions, I need not examine the medical evidence". Of course , Judge Bean had intentionally not mention all my works I had done in Biogen with Emails Record and attachments as prove. Judge Bean also need mentioned nothing about my Motion filed On June 16th, 2011, with DIA Receiving Stamp of June 18th, 2011 that the key evidence used by Susan Kalled and Kevin Optibody in DIA hearing had been intentionally tampered by Biogen.(Appendix I) . Part Three (BCMA antibody effect) were written down in my lab book dated on May 6, 9, 10 and 18 of 2011, and on June 6, 14, and 15 of 2011. The antibody titration Plan DIA Judge Bean cited is on page 110 dated June 10, 2011. It is obviously the date is not right for DIA Judge to declare antibody titration Plan of June 10 is part of BCMA-antibody project that dated May 6, 9, 10 and 18 of 2011, and on June 6, 14, and 15 of 2011. (Part Three of my work)(see Appendix G4, G5). Judge Bean had never thought about the logic between Susan Kalled's testimony that I had worked well only for the first two weeks in Biogen in Aprill 2011, and the basic facts I was not only did the antibody titration work in April, but in May and June of 2011 for both Susan Kalled and Kevin Optidy. Judge Bean had never thought about the logic after I was found by Susan Kalled that starting in April 2011 I was unable to do well the simple antibody titration , Susan Kalled had contacted me in May and June 2011 when she stayed at home, presumably no-need working and get no-pay from Biogen, she contacted me some times more than 10 times in one day, letting me came early at 7am, went on working without Lunch, till late night at 10 PM, and she had issued double-paid bonus to me each every week since I joined Biogen. Susan Kalled herself had also emailed me in early morning at @7:38am (Appendix H14),, she had emailed me at @9:01PM (Appendix H22), at @9:42PM (Appendix H42) at late night? Where is the Logic?

These Emails Chains (Appendix H) proved I had finished Three Parts of Works with Good Quality of Data, together with Susan Kalled's Agreement and Satisfaction in all of her emails of April 28 (Appendix H2), of May 3 (Appendix H6), of May 11 @7:38am (Appendix H14), of May 19 @9:01PM (Appendix H22), of May 20 (Appendix H31), of May 23 (Appendix H33), of May 25 (Appendix H32), of May 26 (Appendix H35), of June 2 @9:42PM (Appendix H42), of June 3rd @2:58pm (Appendix H55), of June 7 (Appendix H70), of June 10 @10:23PM (Appendix H80), of June 28 (Appendix H98), of June 30 (Appendix H96).

Please note Those Emails Chains had been communicated on dates Susan Kalled did not work and stayed at home. On those emails days, Susan Kalled got paid nothing by Biogen. Could you please think of under what conditions Susan Kalled was even possible to contact me by her private phones, written emails from her private Comcast account more than 10 times a day not only in day time when she was supposed NOT working, but also in very early morning (May 11 @7:38am) and at late night (June 2 @9:42PM (Appendix H61); June 10 @10:23PM (Appendix H91), some days Susan Kalled had contacted me more than 10 times in one day by both phone calls and emails, if I was "insubordination" as DIA Judge BEAN concluded (see Appendix G5)?

If I was not a good and reliable worker, but "insubordination" as declared by DIA Judge BEAN, will I be able to come to the Biogen Lab in 7Am in the morning, work till very late night in Biogen lab, some time till 9:55PM at least, as recorded in June 2nd 2011 email chains (see appendix H42)?

If it was true I was only able to follow Susan Kalled's instruction in the first 2 weeks in Biogen (I started in April, 2011) , after that I cannot do a simple antibody titration well after first two weeks of April 2011, as testified by Susan Kalled in DIA hearing in 2018 and as declared by DIA Judge BEAN in his decision (Appendix G4, G5), will it possible, there were at least 5 emails written in one single day of June 3rd, 2011, after my working very late till 9:55PM at least in the lab the last night of June 2nd (see appendix H42)? (June 3rd, 2011, emails @11:06 AM, @11:46 AM, @ 2:58 PM, @3:28 PM, and @ 4:03 PM), besides many phone communications with Susan Kalled who was staying at her home and got no-pay from Biogen (see Appendix H60, 61)? Also will it possible on June 28, 2011, I had done antibody titration for both Susan Kalled and Kevin Optibody at same time upon their requests (see Appendix H91 and Appendix H99)? please NOTE they both had their own full time associates of Biogen.

Are people all NUTS?

Please Note Susan Kalled had her own full time Biogen associate, Robin in year 2011, who had complained that she had Nothing to do and insulting me by calling me "Slave", as

comparing that I was described as incapable doing a simple task well, and insubordination in DIA Judge Bean's decision (Appendix G5), and then cited by MA Court System (Appendix A, C, E). Please also note Kevin Optidy had his own full time Biogen associate who is white and in his late 20s /early 30s, who had come to get my BJAB cell line, to learn and to repeat what I had done, as recorded in email on May 18, 2011 (see Appendix H14)

The final date I had finished my Part Two Contribution in Biogen was on date of June 10, 2011 (see Appendix H75, appendix H50). My B Cell activation is an early event occurs in hours but lasting to 4-5-days in both B cell lines and primary human B cells from human blood were finished on June 10, 2011(see Appendix H75, appendix H50). In June 3rd email (Appendix H55), I had reminded Susan Kalled the pitfalls and mistakes she had bypassed the Gate out step in flow cytometry analyzer(Appendix H55). There is also the fact I had reported to Court the female asican PhD scientist who had fired without sign-off process by Susan Kalled before I joined Biogen. What a coincident on the date of June 10, 2011! On that date of June 10, 2011, I finalized my work in Part Two Contribution. Before that date of June 10, 2011, I had reminded Susan Kalled her bypassing Gate Out in Flow Cytometry is wrong (Part Three Contribution)(orally and emailed on June 3rd, 2011), and on that same date of June 10th, 2011, Susan Kalled had forwarded a message about her plan for an antibody titration, in which she had put in "hints" used in DIA Hearing in 2018 as cited by DIA Judge (see Appendix G4, G5), even though the message is Susan Kalled's written on her Plan to let me do an antibody titration, but **NOT** my real Data of antibody titration, and later after June 10, 2011, I had done more antibody titrations for both Susan and Kevin, as an example, on June 28, I had done antibody titration for them at one same day of June 28, 2011(see appendix H91, H99). This note written by Susan Kalled on June 10, 2011 had been the ONLY evidence DIA Judge Bean cited in his Decision of 2018 (see Appendix G), then afterwards backuped by whole MA Court System to dismiss my case. What a coincidence!!!

I deeply felt that MA Justice System had abandoned me in the past 10 years .

C.The MA Appellate Court Proceedings: All appeals to request Appeals Court to verify my Complaints, Claims, Facts and Evidences I had provided to Court had been neglected and dismissed (DIA #23982-14, Review board of DIA, MA appeals court (2021-P-0050) and , MA SUPREME JUDICIAL COURT FAR-28640) (Appendix A, B, C, D, E, F) . (DIA #23982-14, Review board of DIA, MA appeals court (2021-P-0050) and , MA SUPREME JUDICIAL COURT FAR-28640), MA Court dismissed my appeals by neglecting most of my Complaints and all

presented Basic Facts, all Evidence presented to court (Appendix F, D, B), and never been cited in all rulings/orders/memos (see Appendix A,C, E), including my 20 years-primary care doctor's statement, previous treating medical specialists' statements, my present treating specialist's statement, my ex-wife's statement including the Agreed Ex-wife's statement by both side attorney, etc (Appendix L, M) and Emails Chains between me and Susan Kalled of 2011 (Appendix H) that proved both Susan Kalled and Keven Optody were telling lies in DIA Hearing about my performance and DIA Judge hadbeen biased and partial, treating me badly.

REASONS WHY CERTIORARI SHOULD BE GRANTED

In Lei Yin, v. Integrated/ Hartford: (10 years legal process in MA Court System)

Each every evidence Lei Yin presented to Court were all neglected by MA Court;

Emergency Report filed to DIA on June 16, 2011, received by DIA with stamp of DIA on June 18, 2011 was missing after filling. DIA, Review Board, MA Appeals Court, MA Supreme Judicial Court are all delinquent my request to address this procedural error court had made since 2018.

There were no real data been presented by Insurer/Biogen to support their accusations, but two antibody titration PLANS against me. The MA court system had been biased and partial on selecting "facts and evidence" to come to their decision.

My then worker compensation attorney resigned after I rejected the "Best Offer" insurer provided on June 16, 2018 and he had refused to file the emergency Motion dated on June 16, 2011 to report court the key evidence used in DIA Hearing had been intentionally tampered by Biogen/Insurer.

Pro Se Right is a fundamental Constitution right and protected by US Constitution. 28 U.S.C. § 1654 provides: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

JUSTICE STEWART of the Supreme Court noted that "[i]n the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that 'in all the courts of the United States, the parties may plead and manage

their own causes personally or by the assistance of counsel. (In Case Law of Supreme Court : Faretta v. California, 422 U.S. 806 (1975))

JUSTICES of the Supreme Court had previously made it crystal clear to US Court System regarding **Pro Se Rights**. In Conley v. Gibson, 355 U.S. 41 at 48 (1957) "Following the simple guide of rule 8(f) that all pleadings shall be so construed as to do substantial justice"... **"The federal rules reject the approach that pleading is a game of skill** in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits." The court also cited Rule 8(f) FRCP, which holds that all pleadings shall be construed to do substantial justice.

In Haines v. Kerner, 404 U.S. 519 (1972), JUSTICE of the Supreme Court stated "Allegations such as those asserted **by petitioner, however inartfully pleaded, are sufficient**"... **"which we hold to less stringent standards than formal pleadings drafted by lawyers."**

In Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd, 240; Pucket v. Cox, 456 2nd 233, JUSTICES of the Supreme Court **stated Pro Se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of.**

In US Court System, **District courts** /Departments resolve disputes by **determining the facts and applying legal principles to decide who is right.** District Court /departments like DIA hears a case first, makes both findings of fact and law through a full trial expounding the evidence of the case. **The appellate court's task** is to determine whether or not the law was applied correctly in the trial court.

The Fifth and Fourteenth Amendments to the United States Constitution protect **Due Process**, Equal Right and Equal Protection . Procedural due process protects individuals during governmental proceedings, whether they are civil or criminal.

The Pro Se Rights, which apply equally to civil due process and criminal due process, are the following:

An unbiased tribunal.

Notice of the proposed action and the grounds asserted for it.

The opportunity to present reasons for the proposed action not to be taken.

The right to present evidence, including the right to call witnesses.

The right to know the opposing evidence.

The right to cross-examine adverse witnesses.

A decision based only on the **evidence presented.**

Opportunity to be represented by counsel.

The tribunal to prepare a record of the evidence presented.

The tribunal to prepare written findings of fact and the reasons for its decision.)

The goal of civil discovery, similar to the rules governing sporting events, is to ensure a level playing field for all parties. **No one side should possess a procedural or evidentiary advantage** beyond that which is particular to the specific facts of a case. **The rules of civil procedure promote reciprocity and equal access to evidence.** As past Harvard Law School Professor and NYU Law School Professor Arthur Miller said about the procedure made the key difference in all the cases " If you let me control the procedure, I will win every time"

In my case, it was dismissed quickly through a motion to dismiss By DIA judge without full hearing. Then second time dismissal of case by the same seating DIA judge **after he denied my request to get access 4 copies of Biogen lab books from Biogen (Appendix J) and denied my requests to get copy of all communications records related to my employee in Biogen, including emails between me and Susan Kalled, me between Kevin Optibody, etc (Appendix K), and neglecting all evidence I had presented to him in DIA (including the emails chains I had from my Yahoo account to Susan Kellad Comcast accunt as Susan was a parttime employee of Biogen (Appendix H), especially neglecting my emergency motion to report the key evidence had been tampered on June 18, 2018 (see Appendix I, with DIA Receiving Stamp Date), after knowing Biogen had intentionally tampered the evidence used in DIA Hearing in June 2018, and also Biogen had presented to Federal District Court for its In -Camera Review, and after knowing District Court's conclusion of " nothing relevance" of the in-Camera Review , is indeed very wrong.**

Comparing of DIA Judge had denied/neglecting all evidence I had presented including Email Chains contents that prove Both Susan Kalled and Kevin Optidy had made false statement in DIA Hearing (Appendix H), medical professional statements (Appendix M), my exwife's statement (Appendix L) that was co-signed by both sides' attorney, my initial complaints and facts filed since 2011 to AAA, DIA, Time cards to honor my work as doubled pay bonus issued by Susan Kalled each every week, **the same MA DIA Judge had ONLY accepted every Susan Kalled and Kevin Optidy's statement in hearing, totally neglecting my objection in which I had listed 7 major mistakes Judge had made in his Decision (ses Appendix F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, F14, F15) and , by totally neglecting the original Email Chains contents between me and Susan Kalled (appendix H) and my hearing statement, all medical professional report, my witness' statement that agreed by both parties (Appendix L, M).**

DIA Judge Bean choose to **ONLY listen** what Susan and Kevin had said and talked, **without any solid authentic real data of true experiment records and no written communications recorded in Biogen system, obviously he had been biased and partial,** totally neglecting my explanations with authentic Real Data as evidence provided (Appendix H of emails chain between me and Susan Kalled when she stayed at home without pay from Biogen, **Biogen time**

card had shown Susan Kalled had issued double paid bonus each every week since I joined Biogen, even in those days she did not work and stayed at her home with no-pay for herself as part-time), and that many concerns about mistakes Judge had made, I had raised to DIA Judge Bean 's Facts Finding,(see especially in Appendix F3-F15 , Appendix B, D, F,). Especially, **DIA Judge Bean had hided my Emengency Fiiling** reporting to him that the key evidence Insuer/Biogen used in DIA hearing had been intentionally tampered by Insuer/Biogen(see Appendix I).

The DIA Judge dismissed my claim by ONLY citing Biogen's two witness statement based upon already tampered my own Biogen Lab Book and over-exaggerated and distorted implification to two antibody Titration plan on June 10, June 16 , 2011 that Susan&Kevin had forwarded to me upon my request. I had pointed to DIA Judge that there were 7 major false statements in DIA judge's decision memos (appendix F3-F15). And ask DIA judge to address my Complaints, by citing my provided evidence, and correct the 7 major mistakes he had made in his decision memo. **The DIA Judge denied my request to verify facts and evidence. He simply doesnot want to mention any evidence I presented, including the email chains contents between me with Dr Kalled (Appendix F and Appendix H), that is so crystal clear that both witness from Biogen had made lies in hearing of DIA about my performance in Biogen (Appendix H, F). Where is the fairness???**

The tribunal to prepare written findings of fact and the reasons for its decision.

In MA Court's Record of Evidence presented, all my presented evidence are neglected in their orders/memos/rullings. One cannot find one single piece evidence I had presented to Court (see Appendix H, and Biogen Time Card, Appendix I , L, M) in all Court's Orders/ Rullings/ memos (see Appendix G, as example).

My requests to MA DIA/ Review Board/ Appeals Court/ Supreme judicial Court to verify my Complaints and Facts, to verify the evidence presented to Court (Appendix B, D, F) had been always neglected and denied by MA Court system (Appendix A, C, E) in past 10 years .

I had suffered major life breakdown ,my family had broken up since I joined Biogen (Appendix L,M) I had met all medical doctors, government medical examiners (including SSN, MEDICARE and MASSHEALTH) and IMEs from Work Compensation, including Insurance's own Medical Examiner, the diagnosis of all doctors and medical examiners are consistency that I

am fully losing working ability, with no exception (Appendix M). At present time, I am diagnosed with severe depression and other Psychosis, Diabetics and syncopsis (Faint and passout). My daily prescriptions taken are as following: Quetiapine Fumarate, Duloxetine HCL Metformin , Bupropion XL, Fenofibrate, Sertraline, Flovent, Omeprazole , Atorvastatin , Ibuprofen, Aspirin etc. In past 10 years, I had passed out often, on the streets, on the floor, in the restroom, in the shopping store, any place , any time even in driving.... I hurt my head recently when falling down stairs recently, you can see with your own eyes (Appendix N):

As my ex-wife had separated with me since I still worked for Biogen in June 2011 (Appendix L) and then divorced, nobody provided emergency support when I passed out. I had laid down on the floor with bleeding for 4 more hours. When I woke up, I found I had several hurts in head, face and chest, with poops in pants. I had to clean up my bleeding on floor and poops in pant all by myself. In order to protect myself and other innocent citizens, I have lived in very confined space, most of time in bed. I had also built a cushioned walking path to protect me when falling. The path is from my bed to my bathroom (Appendix N). On July 16, 2023 , as I am writing up this appeals, my feet are hurt badly from Diabetics secondary infection for many months (Appendix N):

That's my daily life now for past 10 more years starting from my early 40s, I donot know if I am still able to wake up from next pass out. In past 10 more years, I had lived ONLY with public assistance system, without any financial support from Integrated Resource and its insuser, including financial and medical bill and transportation. I relied on SSDI, Masshealth, PT transportation assistance and waiting in the long line of public housing (appendix M):

Dear Justice in Supreme Court, all Complains, Facts and Evidences I had timely filed in the MA court process had been neglected, all my evidence had not been mentioned in Court Orders and Decisions in MA court system. I felt I was just abandoned by MA court systems. This partial and biased practice in MA Court system had clearly violated the Federal& MA State Civil Judicial Procedure and Rules that protected by US Constitution. The present Appeal in not limited to appeal one decision made by judge on one particular motion, the present appeal is about the entire process of my case, as a Pro Se who is a minority with disability.

I request Justice of Supreme Court as the Final and Last Arbiter of the law, to ensure me the promise of equal justice under law, and function as the Final and Last guardian and interpreter of the law and Constitution. My performance in Biogen were good with proof by Original emails chains record starting from April 2011 to July 7, 2011 and my lab notebook (4 pages had been intentionally covered up by Biogen), also by Biogen Time Card that each every

week from May 7, 2011 to June 24, 2011, I had received **double-paid bonus from Susan Kalled** in Biogen even when she herself was a parttime of Biogen and got NO-Pay from Biogen when she worked at home, contacted me by her private phones and email aocomcast account, 10 times in one day to move the projects forward , specially for her **BCMA antibody effect that had been patented in year 2015**. Please be noted that her own BCMA antibody effectin Neurological Disease study were done on my lab notebook on date of on **May 6, 9, 10, June 6, 14, and 15 of 2011 in my notebook as identified in DIA Hearing (Appendix S)**. There is a perfect match of dates I worked on the BCMA Neurological Disease study for Biogen (May 6, 9, 10, June 6, 14, and 15 of 2011 in my notebook) and the dates I got double-paid bonus (each every week from May 7, 2011 to June 24, 2011). The facts that I had been assigned to more projects gradually, from one project-BCMA treatment effect study to three projects in Biogen also support my Claims.

Susan Kalled had testified in DIA hearing that I was performing well ONLY for 2 weeks after I started worked for Biogen (**Q. "when Mr Yin first started working there you did not's have any problems with him; is that correct?" "A. Probably two weeks he was able to follow instructions"**). Please note I joined in Biogen in April 2011, the Above timecard had shown that **starting from May 7, 2011 to June24, 2011**, the same Susan Kalled had consistently consecutively issued OT (double-paid Overtime) as bonus to me, in 1.3 hours, 2 hours, 1.7 hours, 4.95 hours, 3.9 hours, 0.7hours and 1 hour. **The original Email Chains Record(Appendix H) also firmly prove that Susan kalled and Kevin Optidy had lied in DIA hearing.** Susan Kalled stated " lei Yin works well only in the beginning one or two weeks since he joined Biogen. **The Original Emails Chains had recorded her satisfactory comments made in her Emails since April 2011 till July 2011. And they both failed to provide the date and contents I had failed in their antibody titration assignments.**

For Part One of my work is to antibody titration I had records for Susan Kalled and Keven Optidy. That is a basic technical support role (see Emails Chains dated on April 29, 2011 for Susan, , **May 13, 2011 for Kevin , May 18, 2011 for Susan;, June 2nd, 2011 for Kevin, June 20 for Susan, June 21 for Susan, June 28, 2011 for Kevin, June 28, 2011 for Susan** on antibody Titration and phenotyping). **The above email chain had provided direct evidence to prove that both Susan Kalled and Kevin Optidy had lied in DIA hearing that "shortly (2 weeks) after Lei Yin jointed Biogen in April 2011, Lei Yin was unable to do the tit:ation well"**. All the titration records for both Susan and Kevin were done **before and after the date** they said they had raised concerns in DIA Hearing by two notes of detail **PLAN** of antibody titration (date of June 11, 2011 from Susan, date of June 16,2011 from Kevin). **But both of them had failed to located a Real Data Record of antibody titration in my lab book and/or emails that I had ever failed to follow their instruction and ever process a poor antibody titration.**

For antibody titration for both Susan and Kevin, I had authentic records in my emails chains (Appendix H) that Antibody Titration For Susan Kalled was recorded in my following emails to Susan Kalled: email of April 29, 2011 (see appendix H1, H3), email May 18, 2011 (appendix H14, H18); email of June 21 (appendix H81); email of June 28, 2011 (appendix H91);

For Kevin Optibody' antibody titration: I had email records of May 13, 2011 (appendix H18) , email of June 2nd, 2011 (appendix H38); email of June 28, 2011 (appendix H99). Both Kevin and Susan failed to provide one single piece of authentic evidence of my antibody titration work had failed. All they provided is two piece of Plan about antibody titration upon my requests, but NOT my real data of antibody titration.

Pleas NOTE the date of Susan Kalled's email about her Plan of antibody titration was of June 10 2011, as cited by DIA Judge Bean in his Decision (see Appendix G4). The final date I had finished my Part Two Contribution in Biogen was on same date of June 10, 2011. My B Celll acivivation is an early event occurs in hours but lasting to 4-5-days in both B cell lines and primary human B cells from blood were fully verified and finished on June 10, 2011. In June 3rd email (Appendix H55), I had reminded Susan Kalled the pitfalls and mistakes she had bypassed the Gate out step in flow cytometry analyzer(Appendix H55), even though she had pushed me deadly hard to cook my own data by following her bypassing Gate Out trick. And the fact I had reported to Court the female asian PhD scientist who had fired without sign-off process by Susan Kalled before I joined Biogen. What a coincident on the date of June 10, 2011! On that date, I finalized my work in Part Two Contribution, before that date, I had reminded Susan Kalled her bypassing Gate Out in Flow Cytometry is wrong (orally and emailed on June 3rd, 2011). and on the same date, Susan Kalled wrote a message to me regarding her Plan to an antibody titration , that message had been cited as the ONLY evidence by MA Court (see Appendix G4) to dismiss my Claims.

I had refused to cook my own flow cytometry data by passing the Gating Out step in flow cytometry assays in Experimental Groups since May 2011, as Susan Kalled had done that bypassing. On June 3rd, 2023, I had written in my email to remind her the pitfalls of "No Gating Out Step" in her Flow cytometry assays (see Appendix H55). And June 3rd, 2011 is ahead of June 11 of Susan Kalled, and June 16th, 2011 of Kevin, those two printed Note in my lab book that cited as ONLY evidence by DIA Judge BEAN that I cannot do a simple job well, and I was inordination (see Appendix G4, G5). June 11 from Susan Kalled, and June 16th, 2011 from Kevin are PLAN to do antibody titration , not REAL data record of antibody titration result.

I had worked very hard , came early in 7am, worked through without lunch, and went back late at night sometimes at 10PM(see appendix H42), and continued to provide good quality data for Susan Kalled. (see Appendix H, including emails dated on June 2nd and June 3rd, 2011 as examples). I am the driving force to build- up a new experimental system in Biogen that B cell activation by CpG is an early event, happened in hours in both B cell lines and primary human B cell from blood sample, as comparing Biogen 's believing that this B cell activations happened in multiple days (4-5 days). see Susan Kalled email of May 20, 2011 (Appendix H31) that " we are trying to replicate the Elkon paper where they saw BCMA upregulation after 4 days..... " Part Two work was based upon my previous independent research on B cell neoplama, In 2005, I had published my own data on numerous pathways (IL-6, MIP, MCP, GRO ENA-78, IL-7, IL10, TNF, HGF) had been activated in **6 hours in human B cells** which were purified from in human blood samples and human bone marrow aspirates. (data was adopted from my publication as corresponding author in Journal of Biological Chemistry in 2005.)

What is Flow Cytometry and how Gate Out step works in Flow Cytometry:

Flow cytometry (FC) is a technique used to detect and measure physical and chemical characteristics of a population of cells or particles. In this process, a sample containing cells or particles is suspended in a fluid and injected into the flow cytometer instrument. The sample is focused to ideally flow one cell at a time through a laser beam, where the light scattered is characteristic to the cells and their components. Cells are often labeled with fluorescent markers so light is absorbed and then emitted in a band of wavelengths. Tens of thousands of cells can be quickly examined and the data gathered are processed by a computer. A flow cytometry analyzer is an instrument that provides quantifiable data from a sample. Other instruments using flow cytometry include cell sorters which physically separate and thereby purify cells of interest based on their optical properties.

Appendix P provided an example on Gating strategy in Flow Cytometry on one same type cells that has many status as outlined out by rectangles as shown in Left Figure. The Right Figure shows as many as SEVEN peaks in histogram in one "same" kind of cells analysed by Flow Cytometry without Gating.

Appendix Q. was adopted from Susan Kalled's 2015 patent entitled "Anti-BCMA Antibodies". There are total 16 Images filed in this patent, 14 Images are all about Flow Cytometry Images piled. Fig. 1A was adapted here for your eyes (Appendix Q). As you can see in this Figure 1A, some leftshift or rightshift even it is slightly when overlapping as shown in bottom panel in Fig 1A had proved its claims BCMA. When filling this patent, Susan Kalled will definitely **NOT declare** that she had **NOT gated** out in experimental groups, no body will tell the difference by overlapping Experimental with Control Group, **the shift of peaks were due to real effect or due to the false positive effect as show in SEVEN Peaks** when one same type of cells analysed by flow cytometry without Gating (see Above example shown in **Color** about Gating strategy).

I had reminded Susan Kalled about the outcome after she neglecting Gating Out in my email dated on June 3, 2011 (Appendix H55).. And then further sound alarms to Immunology Director that Susan Kalled's research need QA/QC as she had bypass the Gate out step without declaration in my formal complain dated on July 1, 2011 (appendix H96).

The Logic of Susan Kalled BCMA Acid Wash in Neurological diseases (see also Susan Kalled's 2019 patent of BCMA antibody). it is now know that decreased PH happened in the aging brain and in many neurological diseases like Alzheimer's disease. As Susan Kalled had hold several patents in BCMA antibody's effect in autoimmune diseases, like SLE, it is reasonable Susan Kalled want to test her patented BCMA effect in some neurological disease when Biogen decided to focus on Neurological Disease ONLY in 2011's reorganization. So she want me to test her hypothesis by treating human B cell with acidic medium to mimic the acidic CSF environment in aging brain. If this Acid Wash B Cell Activation model works, her patented BCMA antibody will block the Activation Process in neurological diseases and her patented BCMA antibody will be a good candidate for treating neurological disease like Alzheimer's disease (see Appendix Q). And she will secure her position in Biogen. That is the motivation for her to bypassing the gating out step in her experimental groups to claim the Positive effect (see Appendix Q) (actually it just some false –positive effect, **as I had reminded** in my email to her dated on June 3rd, 2011 (Appendix H55). When I was instructed to produce **manipulated data** by Susan Kalled in her patented BCMA antibody effect study in neurological diseases(see Appendix Q, US9034324B2, <https://patents.google.com/patent/US9034324B2/en>), **I had talked with my then-wife** (see Appendix L). My ex-wife had noticed and had complained that my emotion changed since I worked in Biogen, My then-wife had separated from me since June 2011 when I was still working for Biogen(see Appendix L). **The cause –effect relationship about my mental disability and working relationship had been set by medical specialists (see Appendix M) and by my witness (see Appendix L).**

I had taken five days' no-pay leaves to rest and refresh in May and June, 2011, due to extreme high pressure, hostile working environment, tiredness, and sickness, after working in Biogen, especially after being instructed and forced to cook my books in BCMA project ran by Sysan kalled (Appendix O). The Pressure given to me from Biogen was extremely high, I had to get up very early at 5am, in order to meet susan kalled at 7am in the lab as she required. I had to work through lunch time to finish emergency assignments **without lunch and rest, and worked in Biogen till very late , sometime till 10 PM.** Coworker Robin had insulted me often as she blamed me to cause her "nothing to do" and labeling me as **"slave"**. Susan Kalled had pushed me deadly hard in order to get the ideal data to initiating a new Neurological Disease project, to support her surviving of Biogen's Reorganization, even in days she stayed at home and got no-pays from Biogen, she had called me numerous time a day, and had emailed me very often to request more data produced by me, sometime till very late at night , some time at 9:30 PM and 10:30 PM (see Appendix H42, and H80) and my witness statement (Appendix L). **My Symptoms occurred in May and June 2011, was within the service period in Biogen, as witnessed by my ex-wife (Appendix L) and recorded by Biogen TimeCard.**

My termination happened 2 work days after I had filed written alert to Biogen Management Team on July 1st, 2011 that Susan Kalled had cooked her books and need set QA/QC (Appendix H96). On June 3rd, 2011, I had also sent my email reminder to Susan Kalled the possible wrongdoings without Gating out steps in her flow cytometry assays (Appendix H55) .

In hearing of work Compensation held in MA state court, four Pages of my own Lab NoteBook in Biogen had been found TAMPERED (Appendix I)! those tampered pages had violated the Rules about good lab practice in Book Record (*Reference see 1. Guildelines for Scientific Record Keeping in the Intramural research Program at the NIH). 2. Good Manufacturing Practice(GMP), Good Laboratory Practice regulations (GLP) used by USDA, EPA and FDA). 3. Monsanto's and Pfizer's recordkeeping guidelines.)*

The Diagnosis and severity of my loss had been fully diagnosed and crystal Clear. The cause-effect relationship is well established and well stated by treating physicians and specialists(Appendix M) .

my present treating specialist Dr. Dalby's Statement (Appendix M3, M4), Dr Simkowitz, Dr Cummings (Appendix M2), and Dr Yeh who is my primary care doctor for the past 20 years (appendix M1), In past 10 more years I had suffered severe depression, with other severe psychotic features, diabetics and syncope, under heavily prescriptions treatment. Besides

severe Depression with other severe psychotic features, I had also diagnosed with Syncopsis and Diabetics. I passed out often, and had been hospitalized for several times.

My present treating specialist who just passed by in July 2023, Dr. Dalby stated "Mr Yin has been disabled from work the whole time he has seen with Dr Dalby, He is still totally disabled from work." The cause-effect relationship had been set up by medical specialists, Dr Cummins and Dr Simkowitz (see appendix M). In fact, all doctors I had seen had the same kind of statements, including IME of DIA, Dr. Rator etc. I had suffered more than 10 years now since I had worked for Biogen in 2011, all medical records, hospital records, physician's statements, prescriptions in CVS are fully recorded for review. How can MA Court choose not see all the evidence I had presented to them and neglecting all Facts listed above, to dismiss my claims and let me suffering even more without any fairness and justice?

In Lei Yin, v. INTEGRATED RESOURCES INC. EMPLOYER/APPELLEE AND HARTFORD UNDERWRITERS/ Insurer. 10 years legal process in MA State Court System (DIA #23982-14, Review board of DIA, MA appeals court (2021-P-0050) and , MA SUPREME JUDICIAL COURT FAR-28640):

1. Each every evidence Lei Yin presented to MA Court were all neglected by MA Court system;
2. The Emergency Motion to Report to DIA (Received by DIA, with Stamp on June 18, 2018) that key evidence used in DIA hearing had been intentionally tampered by Biogen and Insurer had been neglected by MA Court system since June 18, 2018 to present 2023.

Where is Lei Yin's Pro Se Rights???

The MA Court System had deprived all my Pro Se Rights in its daily operation practice, and Supreme Court of USA shall correct local states wrongdoings. Once Pro Se Right was deprived, those American people who cannot afford an attorney will have no chance to have a fair and equal due process trial in USA Court. It sames at present time to me, by default, the outcome of a civil Pro Se filing is Dismissal in MA Court system. If that is the case (Pro Se Right been

deprived by MA Court System as it did in my case against Integrated/ Hartford), what is the difference between the present legal system from those dark time when slavery existed?

The present case is about whether a Pro Se's Rights, DUE Process, EQUAL RIGHT, and EQUAL PROTECTION as provided and protected by United States Constitution shall be preserved in the daily practice of United States Federal Courts System. The present case is about whether the Federal Civil Judicial Procedure and Rules set by United State Congress and ordered by United States Supreme Court shall be followed by Massachusetts Court System. For all above reasons, review shall be warranted.

CONCLUSION

Based on the foregoing, Petitioner respectfully submit that this Petition for Writ of Certiorari should be granted. The Court may wish to consider summary reversal of the decision of the MA Court. And more, after US Supreme Court 1963 decision in Gideon v. Wainwright holding that a criminal defendant who cannot afford to hire a lawyer MUST be provided one at no cost.

I, as a disable Pro Se, ask US Supreme Court also to rule that from now on, even in a civil case including worker compensation , those citizens that already been diagnosed as disability by government medical Examiner, shall be provided a lawyer in event he cannot afford to hire a lawyer, no matter he is a plaintiff or a defendant.

Dated: August 29 th, 2023 Respectfully submitted,

Lei Yin, Pro Se with SSDI

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Andover, MA 01810

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Certificate of Service (I, Lei Yin, certify that I have this day, August 29th, 2023, served copy of the foregoing by first class mail to :

Clerk Office, Ms Rashonda Garner,
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

8/28/23 YC

and TO: Robert S. Martin, Esquire Tentindo, Kendall, Canniff & Keefe LLP 75 Hood Park Drive
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TO: Senator Dick Durbin: Chair of Committee on the Judiciary 711 Hart Senate Building Senate
Building, Washington, D.C. 20510 , Sen. Lindsey Graham, Ranking member of Committee on
the Judiciary,

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House Judiciary Chairman Jim Jordan , 2138 Rayburn House Building Washington, DC 20515

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