

## INDEX TO APPENDICES

**APPENDIX 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..**

**APPENDIX 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

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

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

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

**APPENDIX 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 8<sup>th</sup>, 2019**

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

**APPENDIX 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).

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

**APPENDIX 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;

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

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

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**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 2<sup>nd</sup>, 2011 (appendix H38); email of June 28, 2011 (appendix H99).**

**APPENDIX 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 2<sup>nd</sup> 2011 that activation in primary B cells from human blood was at 1.5 hours after CpG activation (Appendix H46); ; email of June 3<sup>rd</sup>, 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) .**

**APPENDIX H Part Three is Dr Kalled's patented BCMA Antibody's treatment effect in Neurological Disease.** As recorded in email of May 6<sup>th</sup> , 2011, attachment in name of "Acid-Wash-May06-2011.ppt" (see Appendix H7) Please NOTE that in emails of June 3<sup>rd</sup>, 2011@3:28 PM ( See Appendix H55) and July 1<sup>st</sup> 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 3<sup>rd</sup> 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 1<sup>st</sup> 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 16<sup>th</sup>, 2018, with DIA Receiving Seal dated of June 18, 2018 (see APPENDIX I). June 16<sup>th</sup>, 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 June15, 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 relavent" 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 Blogen to provide 4 copies of Lab books, written by Lei Yin, Susan Kalled, Kevin Otipody and Robin Bolek, covering from April 1<sup>st</sup> 2011 to July 31, 2011 had FOWARDERD to DIA Adminitrative 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 Integrateries to Biogen witness, had FORWARDED to DIA, requested DIA Judge issure 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 2<sup>nd</sup>, 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.

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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 unable to follow in the first two weeks in Biogen, and then became insubordinated 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 tireness, 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>).

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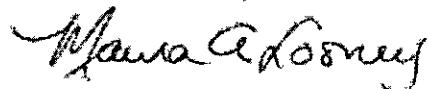
**Commonwealth of Massachusetts**  
SUPREME JUDICIAL COURT

It is ORDERED that the following applications for further appellate review be, and hereby are, DENIED:

FAR-28584 2020-P-0307	Randall Trapp v UMass Correctional Health et al
FAR-28607 2020-P-1157	Commonwealth v Stephen L. Meyer
FAR-28628 2020-P-0053	Commonwealth v Swanie J. Burnett
FAR-28640 2021-P-0050	Lei Yin v Hartford Underwriters Insurance Co.
FAR-28663 2019-P-1831	Commonwealth v Elba M. Morales
FAR-28668 2020-P-0380	
FAR-28678 2019-P-1510	Commonwealth v Keith M. Grace
FAR-28682 2020-P-1084	Commonwealth v Edgar Rodrigues
FAR-28689 2020-P-0757	Commonwealth v Mark S. Tatarczuk
FAR-28690 2020-P-0855	Commonwealth v Thomas Clark, Third
FAR-28697 2021-P-0093	Commonwealth v Nathan Mizrahi
FAR-28701 2020-P-0909	Commonwealth v Joseph William Belanger
FAR-28703 2021-P-0180	Commonwealth v Ronnie Harris
FAR-28704 2021-P-0253	Commonwealth v Michael J. Driscoll
FAR-28705 2021-P-0041	Commonwealth v Nicole Byers
FAR-28706 2020-P-0241	Commonwealth v Maurice Berry
FAR-28708 2020-P-1282	Commonwealth v Jorge L. Cartagena
FAR-28712 2021-P-0152	Commonwealth v Durvalino Batista-DaSilva
FAR-28713 2020-P-1147	Jodi Cordeiro v Commonwealth of Massachusetts
FAR-28714 2020-P-0762	Commonwealth v Javier Zuniga
FAR-28715 2020-P-1105	Commonwealth v Quinton D. White

FAR-28718 2020-P-0743	Commonwealth v Jose M. Santiago
FAR-28719 2020-P-0982	
FAR-28723 2021-P-0273	Kent W. Pecoy v Colony Hills Capital, LLC et al
FAR-28725 2020-P-0132	Commonwealth v Jeffrey R. Goodwin
FAR-28726 2021-P-0320	Commonwealth v Etienne Nascimento
FAR-28728 2020-P-1371	Burlington Police Department v Robert M. Hagopian
FAR-28729 2020-P-1056	Commonwealth v Imer N. Soto
FAR-28731 2020-P-0811	Commonwealth v Michael Dowjat
FAR-28732 2021-P-0629	Craig Lambert v Alan R. DeNaro et al
FAR-28733 2020-P-0951	Hayastan Industries, Inc. et al v City of Springfield Mobile Home Rent Board of Springfield (and a companion case).
FAR-28746 2020-P-1096	

BY THE COURT,



Maura A. Looney  
Assistant Clerk

Entered: April 14, 2022

NOTICE: Summary decisions issued by the Appeals Court pursuant to M.A.C. Rule 23.0, as appearing in 97 Mass. App. Ct. 1017 (2020) (formerly known as rule 1:28, as amended by 73 Mass. App. Ct. 1001 [2009]), are primarily directed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, such decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 23.0 or rule 1:28 issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. See Chace v. Curran, 71 Mass. App. Ct. 258, 260 n.4 (2008).

COMMONWEALTH OF MASSACHUSETTS

APPEALS COURT

21-P-50

LEI YIN'S CASE.

MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

The employee, Dr. Lei Yin, appeals pro se from a decision of the reviewing board of the Department of Industrial Accidents (reviewing board) summarily affirming an administrative judge's decision denying the employee's claim for workers' compensation benefits based on a psychological disability. To the extent that we are able to discern the employee's claims, and assuming that they rise to the level of appellate argument, see Mass. R. A. P. 16 (a) (9) (A), as appearing in 481 Mass. 1628 (2019), the employee argues that his termination from employment was based on Biogen's intentional desire to cover up the manipulation of its research data, and that the administrative judge was biased against him at the hearing. Consequently, the employee argues, the board erred in affirming the decision of the administrative judge. We affirm.

Background. We summarize the relevant facts found by the administrative judge and adopted by the board. The employee was

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employed by a staffing agency, Integrated Resources, Inc. (IRI), and through IRI began working at Biogen in April 2011, performing research laboratory tests for drug development; he was tasked with replicating certain research testing under the supervision of Dr. Susan Kalled. When the employee's test results differed from Dr. Kalled's, it became clear that the employee was using a different protocol than the one he had been instructed to use. The employee conceded the use of a different protocol, contrary to Dr. Kalled's instructions, based on his disagreement with her methodology. The employee was terminated on July 6, 2011.

Since his termination, the employee has not worked, despite seeking similar medical research employment. He began psychiatric treatment after his termination, and at the time of the hearing, he reported suffering from a variety of physical and psychological problems.<sup>1</sup> At the time of the hearing, the employee was receiving Social Security disability compensation.

Following his termination, the employee filed various legal actions against Biogen and certain of its employees, and against

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<sup>1</sup> The administrative judge did not make an explicit finding that the employee's symptoms only manifested after he was terminated. For the purposes of this analysis, we assume without deciding that they did so.

IRI.<sup>2</sup> As relevant to the workers' compensation matter now before us, the employee sought compensation for psychological injuries he alleged he sustained as a result of his work at Biogen and his termination.<sup>3</sup> Following a two-day hearing, the administrative judge determined that "all of the actions taken by Biogen . . . were bona fide personnel actions. Therefore, any psychiatric disability, whether caused by the actions complained of by the employee or not, are not compensable pursuant to [G. L. c. 152,] § 1 (7A)."<sup>4</sup> The reviewing board summarily affirmed the decision, and the employee appealed.

Discussion. "We examine the reviewing board's decision pursuant to the standards of G. L. c. 30A, § 14 (7). Under § 14 (7), '[w]e may reverse or modify the board's decision where, among other reasons, it is based on an error of law, or is arbitrary, capricious, or otherwise not in accordance with law.'

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<sup>2</sup> The employee also filed a demand for arbitration against IRI; the employee was successful on his claim for breach of contract and was awarded \$5,040.

<sup>3</sup> The employee sought partial disability compensation under G. L. c. 152, § 35, from July 7, 2011 to January 4, 2012; § 34 temporary total disability compensation from January 5, 2012 to January 3, 2015; § 34A permanent and total disability compensation from January 4, 2015 to the present and continuing; and medical benefits pursuant to § 11A.

<sup>4</sup> Implicit in the judge's decision that the actions of Biogen and its employees were *bona fide* personnel actions, and that the employee's injuries were not compensable, is the determination that these actions were done in "good faith," G. L. c. 152, § 1 (7A), with the "absence of malice." Carey v. New England Organ Bank, 446 Mass. 270, 282 (2006).

Spaniol's Case, 466 Mass. 102, 106 (2013). See G. L. c. 30A, § 14 (7) (c), (g). " Wright's Case, 486 Mass. 98, 107 (2020).<sup>5</sup> "Findings of fact, assessments of credibility, and determinations of the weight to be given the evidence are the exclusive function of the administrative judge." Pilon's Case, 69 Mass. App. Ct. 167, 169 (2007).

1. Denial of benefits. Pursuant to G. L. c. 152, § 1 (7A), "[n]o mental or emotional disability arising principally out of a bona fide personnel action including . . . termination [unless] such action which is the intentional infliction of emotional harm shall be deemed to be a personal injury." See Upton's Case, 84 Mass. App. Ct. 411, 415 (2013). "Good faith is defined . . . as an honest belief, the absence of malice, or the absence of a design to defraud or to seek an unconscionable advantage over another." Carey v. New England Organ Bank, 446 Mass. 270, 282 (2006).

We discern no error in the administrative judge's determination that the actions taken by Biogen and its employees, and the employee's termination by IRI, were bona fide personnel actions. See G. L. c. 152, § 1 (7A). The administrative judge credited the testimony of Dr. Kalled that

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<sup>5</sup> If the reviewing board summarily affirms the decision of the administrative judge, this court looks to the decision of the administrative judge to determine whether the board's action was proper. See Haley's Case, 356 Mass. 678, 679-680 (1970).

does not refer to any specific statement; in any event, the employee has not shown that there were any false statements.

Decision of reviewing board affirmed.

By the Court (Vuono, Henry & Hand, JJ.<sup>6</sup>),

*Joseph F. Stanton*  
Clerk

Entered: December 21, 2021.

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<sup>6</sup> The panelists are listed in order of seniority.

CG

**Supreme Judicial Court for the Commonwealth of Massachusetts**  
**John Adams Courthouse**  
**One Pemberton Square, Suite 1400, Boston, Massachusetts 02108-1724**  
**Telephone (617) 557-1020, Fax 617-557-1145**

Lei Yin  
3 Blackberry Lane, Apt. 2  
Andover, MA 01810

RE: No. FAR-28640

**LEI YIN'S CASE**

**NOTICE OF DOCKET ENTRY**

Please take note that on October 17, 2022, the following entry was made on the docket of the above-referenced case:

Motion for Reconsideration of FAR application denial and verification request filed by Lei Yin. (6/9/2023 The Motion is denied).

Francis V. Kenneally Clerk

Dated: June 14, 2023

To: Lei Yin  
Donna Gully-Brown, Esquire  
John J. Canniff, III, Esquire  
Robert Stephen Martin, Esquire

*[Handwritten signatures]* Appendix A

**Additional material  
from this filing is  
available in the  
Clerk's Office.**