

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

Jason Kokinda,  
Plaintiff,

:

**CIVIL ACTION**

:

vs.

:

Case No. 2:16-cv-01303

Pennsylvania Department of Corrections,  
et al.  
Defendant(s),

:

**AFFIDAVIT OF TRUTH**

I, Jason Kokinda, AR, for clarity, hereby state the following facts that are already in the record or reasonably inferred thereby.

1. The Penn. Dep't of Corrections uses a diet that is loaded with tasteless colorless odorless isolated concentrated soy proteins like nearly every other prison in the country. I reported that I was allergic to soy and required a soy-free diet, since first day of intake. I attempted several times to obtain a soy-free diet. SCI-Fayette admittedly lied to me and said that there was no soy in the diet.
2. Only a handful of prison cooks would know that there was soy in the food. I did not have access to them and was not given any reliable

evidence until one day in early 2014 at SCI-Fayette when a black kitchen worker said they put too much Tofu in the scrambled eggs which were noticeably translucent. This was the AH-HA moment that explained why I was having reactions to foods that are normally not processed and normally do not contain soy anywhere except in prison. I could visibly see that there was a tofu-like gel substance added to the eggs. This would explain why EVERYTHING made me so sick, not just the soy-burger.

3. The diet is loaded with concentrated soy proteins that are far more than any normal diet in the outside world contain. I later received information that high soy diets are now the status quo in American prisons. The affidavit of Margaret Gordon does not state that there are no other foods with soy nor that concentrated isolated soy protein is not infused into everything cooked. Even if it did, her affidavit lacks corroborating evidence.
4. I was consistently obstructed from obtaining medical care and was always denied my soy-free diet for non-medical reasons. Despite trying to schedule follow up care with Byunghak Jin, he refused to

see me after saying he'd order the diet when I submitted the revised questionnaire. The record evidence proves that putting in a Sick Call Slip does not mean that the Medical will see you. I even tried obtaining a Kosher diet of mostly unprocessed foods from the chapel at the time after the scrambled eggs incident (Feb. 2014), hoping that would help. As the grievances demonstrate, asking superiors for help is also a dead end.

5. I had consistently reported that I was suffering severe chronic symptoms. The prison was under an obligation to document my symptoms from day one in an allergy questionnaire even under former rules. Byunghak Jin has not explained nor provided any evidence of how the symptoms I described do not fit a soy allergy or why the information on the Mayo Clinic website harmonizes with my described symptoms. He has provided absolutely no medical evidence in support of his false medical pretences of diagnostics and care. The reported symptoms were definitely related to consumption of the prison food, with no remedy given.

6. I did everything possible to mitigate symptoms by trying to order foods lower in salt and with little to no soy from commissary. I was forced to spend nearly a hundred dollars a week on commissary. The prison wanted that money and did not like to throw me in the RHU when they retaliated because I would not order commissary and fill their coffers. The one time that they did retaliate against me and throw me in the RHU, I ate nothing but a piece of fruit or two for over ten days and was severely injured. This is the subject of another grievance and lawsuit.
7. In, retrospect, the high concentrated soy protein contaminated all the food and was why I felt sick even if I went to the meal line for a piece of fruit or touched the tables. I was noticeably swollen minutes after eating any prison food such as cake if I had avoided soy for a duration of time. At a certain point, it was difficult to distinguish my severe hypertension symptoms from allergy symptoms 'cause both could cause difficulty breathing. However, the prison food did something to me that I never experienced before. It made my whole

body rigid. And from the abdominal stiffness and stiches, I struggled to breathe for an hour or two after eating foods that contained soy.

8. After I reported the fulness of my symptoms in the questionnaire, the Pennsylvania Office of the Attorney General coordinating the attacks felt they could retaliate against me and injure me more severely by hitting me in my disclosed weakness. Before I was arrested, I was in perfect athletic shape. I went to the gym every day and could sprint run very fast. The severe infirmities I developed were solely due to prison conditions, primarily the diet.
9. During the course of my incarceration in the Pennsylvania State Prisons; I was suddenly suffering from malnutrition, hair loss, chronic debilitating muscular pain from crippling myalgias, IgE-allergy-induced swelling, weight loss, medication-intolerant hypertension, anxiety, difficulty breathing, chronic diarrhea, nausea, ulcers, severe headaches, dizziness, general malaise, abdominal pains, indigestion, severe acid reflux, constant listlessness, and exacerbation of my OCD/HPPD symptoms. I also felt very exhausted after meals. I could no longer run at all. I also suffered from severe

emotional and psychological trauma that I might have a stroke, heart attack, or fatal allergic reaction any time I ate. I could feel the hypertension putting pressure on my arteries, heart, and behind my eyes. I tried to think of calming waves to relax instead of getting worked up about it.

10. There is no medical evidence demonstrating that I did not suffer these problems. The failure of the doctors to do any questioning, tests, or exams, or to show any concern whatsoever, made it impossible to obtain relief for anything. I had no idea of what was happening to me. I never felt these reactions before because, as I told Byunghak Jin, I didn't eat processed foods with soy at home. I was on a major health kick for many years after I quit smoking at 19.
11. In order to prove to medical that this was all related to my diet, I at first emphasized the most certain evidence of having severe diarrhea, abdominal pains, and severe acid reflux after every meal, especially from the hamburger (which was almost entirely soy). Because they refused to tell the truth and refused to sufficiently question me or investigate, and obstructed further visits, I could not develop a record

on the issue until my mother inadvertently sent me the Weston Price information. Because I will not lie or speak on suppositions which diminish my credibility, I was only then able to boldly make records with certainty by having something to support my claims that this was all from a single medically preventable source. Byunghak Jin's wife is a lawyer. Byunghak Jin was intentionally trying to fabricate loopholes of care. I made a record of this in my grievances and could not possibly present any greater proof of a doctor creating a subterfuge to deny me medical care.

12. Byunghak Jin taunted me to sue him. He had his defenses all lined up from the door. I wrote Byunghak Jin and told him that his advice to avoid soy and the salt exacerbating my medication-intolerant hypertension was impossible. Only an insane person would give that kind of pretextual "go fly a kite" advice to impossibly avoid soy in the circumstances. It is sadistic and illogical in a prison situation where there is no choice in diet.

13. I tested positive for a severe IgE soy allergy and submitted medical information from doctors that substantiates that all the symptoms I

reported in prison harmonize with a severe IgE soy allergy. Any IgE allergy has the potential to lead to deadly anaphylaxis symptoms even if symptoms were before less serious. In a prison setting, where you are being exposed to high concentrations daily, this creates a higher risk even in an allergy where IgE anaphylaxis is less common. There were times when I felt like a fish out of water and struggled to breathe at all when simply walking fast. I do not have asthma and was not simply having asthma attacks.

14. I am able to avoid soy in a free world where I have access to a supermarket of fresh foods and no longer suffer from any of these chronic symptoms. I have accidentally consumed soy and often felt painful myalgia in my back for several hours or days and difficulty breathing as the core symptoms from low soy additive foods with traces. I have felt this even from the organic soy lecithin in organic chocolate I purchased.

15. The prison did not have any specific policy for diets while I was incarcerated. They have changed the policy in light of my litigation to protect higher level officials from the potential of lawsuits. The new

policy mandates that self-reported allergies have to be tested and that prisoners have to be accommodated while results are pending. The policy needs to be further updated to allow for IgE pin prick testing and transparency in prison diet allergen content. This is because the officials lied about soy content. This is also because both Dr. Gardner and the literature included in the test results both said that I had to eat soy again for months to get a positive reading.

16. Only the skin prick test will show a positive reaction on people who have been avoiding an allergen for many months or years. I was tested immediately after getting health insurance to pay for the tests. The doctors I saw are not legal experts who testify in cases and did not therefore write extensive reports. I later inadvertently came across information that strengthened this theory of an unconstitutional policy by demonstrating it was a nationwide problem. This led me to the Lesley University case that demonstrated it also violated the ADA. I could not have realistically conceptualized and strengthened these legal theories any earlier and did everything possible to timely assert them to obtain justice in the matter.

17. I have made epic records demonstrating that I have received manifest injustice in all my litigation. My rare intelligence and writing talents expose that the courts simply refuse to let *pro se* litigants win big cases. *Pro se* litigants can't go to the press and expose injustice to shame corrupt officials and oust them. They are bullied and battered into submission. The few attorneys who help prisoners win apparently trade favors or risk losing their licenses and suffering retaliations.

**SWORN STATEMENT TO THE FOREGOING FACTS**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of August, 2018. /s/ Jason Kokinda 1-308

Jason Kokinda, AR

“The stone that the builders set at nought, hath become head of a corner”