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 10 **UNITED STATES DISTRICT COURT**
 11 **DISTRICT OF NEVADA**

12 BELLA VISTA LLC, A NEVADA LIMITED
 13 LIABILITY COMPANY; GREENFIELD &
 COMPANY INC., A NEVADA CORPORATION;
 14 LIFE REAL ESTATE LLC, A NEVADA LIMITED
 LIABILITY COMPANY; MOBILE MEDIC CPR
 15 TRAINING LLC, A NEVADA LIMITED
 LIABILITY COMPANY; DT GROUP LLC, AN
 16 ILLINOIS LIMITED LIABILITY COMPANY;
 SYNEXXUS INC., A MARYLAND
 17 CORPORATION; SPIRITS OF USA LLC, A
 18 GEORGIA LIMITED LIABILITY COMPANY;
 WSW PLASTICS LLC, A TEXAS LIMITED
 19 LIABILITY COMPANY; THE SALON WSW
 20 BLO & GLO LOUNGE LLC, A TEXAS LIMITED
 LIABILITY COMPANY; UME UME MUSIC +
 21 ARTS INC., A NEW YORK CORPORATION; 5TH
 22 ST. GYM INC., A FLORIDA CORPORATION;
 AND DOUGH BOY FRESH INC., A
 23 CALIFORNIA CORPORATION DBA PAPA
 MURPHY’S PIZZA,
 24

CASE NO.: 2:20-cv-00574

**FIRST AMENDED CLASS
 ACTION COMPLAINT**

JURY DEMAND

25 **PLAINTIFFS,**

26 vs.

27 THE PEOPLE’S REPUBLIC OF CHINA;
 28 NATIONAL HEALTH COMMISSION OF THE
 REPUBLIC OF CHINA; MINISTRY OF
 EMERGENCY MANAGEMENT OF THE

PEOPLE’S REPUBLIC OF CHINA; MINISTRY OF CIVIL AFFAIRS OF THE PEOPLE’S REPUBLIC OF CHINA; THE PEOPLE’S GOVERNMENT OF HUBEI PROVINCE; THE PEOPLE’S GOVERNMENT OF THE CITY OF WUHAN, CHINA; THE WUHAN NATIONAL HEALTH COMMISSION; HUANAN SEAFOOD WHOLESALE MARKET; AND THE COMMUNIST PARTY OF CHINA;

DEFENDANTS.

FIRST AMENDED CLASS ACTION COMPLAINT

Plaintiffs, Bella Vista LLC, a Nevada Limited Company Liability; Greenfield & Company Inc., a Nevada Corporation; Life Real Estate LLC, a Nevada Limited Liability Company; Mobile Medic CPR Training LLC, a Nevada Limited Company; DT Group, LLC, an Illinois Limited Liability Company; Synexxus Inc., a Maryland Corporation; Spirits of USA LLC, a Georgia Limited Liability Company; WSW Plastics LLC, a Texas Limited Liability Company; The Salon WSW Blo & Glo Lounge LLC, a Texas Limited Liability Company; UME UME Music + Arts Inc., a New York Corporation; 5th St. Gym Inc., a Florida Corporation; and Dough Boy Fresh Inc., a California Corporation dba Papa Murphy’s Pizza (collectively, the “Named Plaintiffs”), on behalf of themselves and on behalf of all those similarly situated, by and through their undersigned counsel, EGLET ADAMS, hereby bring this class action against the People’s Republic of China (“the PRC”); National Health Commission of the People’s Republic of China; Ministry of Emergency Management of the People’s Republic of China; Ministry of Civil Affairs of the People’s Republic of China; The People’s Government of Hubei Province; the People’s Government of the City of Wuhan, China; the Wuhan National Health Commission; Huanan Seafood Wholesale Market; and The Communist Party of China (collectively, the “Defendants”), for damages and other relief, and hereby allege as follows:

INTRODUCTION

1. This class action complaint is brought by the Named Plaintiffs, which consist of “small businesses” in the United States, including the State of Nevada, and as defined by the U.S.



1 Small Business Administration, for monetary and related damages sustained as a result of the
2 coronavirus pandemic, against the Defendants, the PRC, and its various government entities,
3 which handled and managed the response to the discovery of COVID-19, and, upon information
4 and belief, engaged in a cover-up of the coronavirus pandemic in China generally, and within
5 Hubei Province and the City of Wuhan, thereby causing and/or contributing to the subsequent
6 spread of COVID-19 all over the world, including to the United States of America (“US”) and the
7 State of Nevada.

8 2. The PRC is the world’s most populated country with over 1.3 Billion people. The
9 PRC is also the world’s second largest economy. As a result, the PRC has substantial economic
10 and trading relationships with almost every country in the world, including the US.

11 3. In 2019, the US trade with the PRC was approximately \$555 Billion.

12 4. In 2018, approximately 3 Million tourists visited the US from the PRC. In that
13 same year, approximately 2 Million US tourists visited the PRC.

14 5. The extensive business, trade and tourism relationships between the PRC and the
15 US require honesty, accurate disclosure and transparency between the two countries, especially on
16 any health issues or conditions, which can cause a pandemic.

17 6. In 2006, the PRC opted into the International Health Regulations (“IHR”), to which
18 it is currently legally bound and has been since 2006, that requires each State Party to: (a) notify
19 the World Health Organization (“WHO”), by the most efficient means of communication available
20 and within twenty-four hours of assessment of public health information, of all events which may
21 constitute a public health emergency of international concern within its territory and any health
22 measure implemented in response to those events; (b) continue to communicate with WHO timely,
23 accurate and sufficiently detailed public health information available to it on the notified event,
24 where possible, including case definitions, laboratory results, source and type of the risk, number
25 of cases and deaths, conditions affecting the spread of the disease and the health measures
26 employed; and report, when necessary, the difficulties faced and support needed in responding to
27 the potential public health emergency of international concern; and (c) report to WHO any

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1 unexpected or unusual public health event within its territory, irrespective of origin or source,
2 which may constitute a public health emergency of international concern.

3 7. Upon information and belief, the IHR's were revised in 2005 in response to China's
4 mishandling of the SARS outbreak in 2002-2003, which also started in Guangdong, China. SARS
5 was the coronavirus which was connected to bat research, and was accidentally released at the
6 Wuhan Institute of Virology ('WIV') in 2002 and 2004.

7 8. Upon information and belief, the WIV also included a National Bio-Safety Lab,
8 which is reportedly only one of thirty biosafety level 4 laboratories in the world. This lab, which
9 is owned and operated by the PRC, worked on bioterrorism, commercial, academic and scientific
10 research. This included advanced biological virus research that was used for academic, commercial
11 and military purposes. WIV researchers and scientists posted articles and videos about collecting
12 bat coronavirus from around the PRC for academic and commercial purposes. As this commercial
13 research proceeded, the PRC also patented or attempted to patent many of their findings. The
14 PRC's commercial plan was to use these patents to make billions of dollars all over the world,
15 including the U.S. Significantly, China has more patents than any other country in the world.

16 9. On January 28, 2020, the U.S. Department of Justice indicted Harvard University
17 Professor Charles Lieber and two PRC nationals, Yanginq Ye and Zaosong Zheng, on multiple
18 criminal charges connected to virus research; the illegal attempt by Zaosong Zheng to transport 21
19 vials of stolen biological research to the PRC; and Professor Lieber not disclosing millions of
20 dollars paid to him by the two PRC nationals, who were actually spies. Moreover, it was reported
21 that the two PRC nationals had ties to the WIV.

22 10. The world, including the US and the State of Nevada, has been devastated in recent
23 months by the new strain of the coronavirus, more commonly known as COVID-19, and the
24 mutations that have occurred with this virus.

25 11. Upon information and belief, COVID-19 began in Wuhan, Hubei Province, China
26 on or about November 17, 2019, and subsequently spread throughout the world, including to the
27 US and the State of Nevada. Reported information suggests that the first case occurred in the
28 Huanan Seafood Wholesale Market, in Wuhan, China, and that the virus has zoonotic origin.

1 12. Upon information and belief, the Defendants created and/or exploited COVID-19
2 in its National Biosafety Laboratory at the Wuhan Institute of Virology, causing it to spread and
3 injure Named Plaintiffs and Class Members.

4 13. Upon information and belief, the WIV successfully tested the drug, Remdesivir,
5 and knew it was effective in combating COVID-19. Upon information and belief, Defendants
6 planned and attempted to patent Remdesivir in order to achieve commercial gain from the US and
7 across the world.

8 14. Upon information and belief, Defendants sold or allowed to be sold contaminated
9 products to vendors at the Huanan Seafood Wholesale Market, allowing COVID-19 to infect
10 unsuspected purchasers who went on to infect others, including US citizens.

11 15. Upon information and belief, shortly after November 17, 2019, the PRC and the
12 other Defendants knew, or should have known, that COVID-19 was a dangerous, contagious, and
13 deadly virus because many Chinese citizens who contracted the virus were becoming very ill, with
14 many dying. Moreover, DNA samples taken from these very sick and dying people confirmed that
15 this was a novel virus for which there was no vaccine or cure.

16 16. Upon information and belief, shortly after November 17, 2019, the PRC and the
17 other Defendants received credible scientific evidence confirming that COVID-19, which first
18 emerged in Wuhan, China, was very contagious, deadly and capable of causing a pandemic.

19 17. Upon receiving this disturbing scientific evidence and data, the PRC and the other
20 Defendants had a responsibility to its own citizens, the WHO, and the international community,
21 including the citizens and businesses of the US and those in the State of Nevada, to immediately
22 disclose this evidence.

23 18. Instead of disclosing this evidence, upon information and belief, the PRC and other
24 Defendants engaged in a campaign of misinformation, misleading and failed to warn the world of
25 what they knew, that COVID-19 was deadly and easily spread from person-to-person.
26 Significantly, in order to prevent the world community, including the plaintiffs, from learning the
27 truth regarding the severity of the pandemic, upon information and belief, the PRC and other
28 defendants intentionally and willfully altered and destroyed important scientific data and evidence.

1 19. Upon information and belief and/or as it has been reported worldwide, the
2 following is a general account of events related to COVID-19:

- 3 a. In November/December 2019, the coronavirus transfers from some animal species to a
4 human being. This is believed to have happened at a Chinese “wet market.” It was reported
5 that during the same time period, the Wuhan Institute of Virology (WIV), was doing
6 research where human cells were being experimentally infected with bat viruses. Later it
7 was discovered that COVID-19’s genome matches by up to 96% the genome of those same
8 bats. The only two places in the PRC that were experimenting with bat to human
9 transmission were the WIV and Wuhan CDC. This research had started in 2012 and
10 continued up to the time of the November/December 2019 COVID-19 outbreak.
- 11 b. On December 6, 2019, the symptom onset date of the first PRC patient identified was “Dec
12 1, 2019. A 53-year-old woman, who had no known history of exposure to the market,
13 presented with pneumonia and was hospitalized in the isolation ward.” It appears, as early
14 as the second week of December, Wuhan doctors were finding cases that indicated the
15 virus was spreading from one human to another. It typically takes up to two weeks for
16 COVID-19 symptoms to become manifest. Therefore, since the first patient with symptoms
17 was identified on December 1, 2019, it is very probable that this person got infected around
18 November 17, 2019.
- 19 c. On December 21, 2019, Wuhan doctors found a “cluster of pneumonia cases with an
20 unknown cause.”
- 21 d. On December 24, 2019, the Wuhan Institute of Virology confirmed that it was doing
22 research on bats and viruses by posting a job opening for a researcher to work on bat
23 pathogens “because a large number of new bat and rodent new viruses have been
24 discovered and identified.” This posting corroborates that the WIV was doing research on
25 bat new viruses even after the initial outbreak, and “new viruses” had been recently
26 discovered and identified.
- 27 e. On December 25, 2019, Chinese medical staff in two hospitals in Wuhan were suspected
28 of contracting “viral pneumonia,” and were quarantined. Additional evidence of human-

- 1 to-human transmission emerged.
- 2 f. On December 27, 2019, Dr. Zhang Jixian, at the Hubei Provincial Hospital of Integrated
3 Chinese and Western Medicine, sounded the alarm about a “new” disease that had already
4 affected 180 patients, and the Defendants suppressed this information. Also, according to
5 Caixin Global, which is a Chinese Media Group, Wuhan scientists sequenced the new
6 viruses’ genome “by December 27, 2019, but were ordered by local and national
7 communist party officials to destroy the evidence and not release their findings.”
- 8 g. From December 26-30, 2019, the first evidence of the COVID-19 was revealed through
9 Wuhan patient data, which had been sent to multiple Chinese genomics companies. During
10 this time period, the Hubei Health Commission ordered one of the genomics companies to
11 stop testing on COVID-19, and to destroy all the data. Simultaneously, it was reported that
12 the Defendants pressured the press not to report these facts.
- 13 h. In “Late December,” Wuhan hospitals noticed “an exponential increase” in the number of
14 cases that could not be linked back to the Huanan Seafood Wholesale Market, according
15 to the New England Journal of Medicine.
- 16 i. On December 30, 2019, Dr. Li Wenliang sent a message to a group of other doctors
17 warning them about a possible outbreak of an illness that resembled severe acute
18 respiratory syndrome (SARS), urging them to take protective measures against infection.
- 19 j. On December 31, 2019, The Wuhan Municipal Health Commission declared, “The
20 investigation so far has not found any obvious human-to-human transmission and no
21 medical staff infection.” This is believed to be the opposite of the disclosures made by the
22 doctors working on patients in Wuhan, and two doctors were already suspected of
23 contracting the virus.
- 24 k. On December 31, the WHO’s China Country Office was informed of cases of pneumonia
25 of unknown cause detected in Wuhan City, Hubei Province of China. Significantly, the
26 PRC and other defendants had actual knowledge from weeks earlier that COVID-19 was a
27 new virus and was being transmitted from human to human. Therefore, when the
28 defendants informed the WHO’s China office on December 31, 2019 that the reported

1 pneumonia cases were from an “unknown cause” they began their campaign of giving the
2 world false information because they knew that the China WHO office would report this
3 information to WHO offices all over the world, including the U.S., because this reporting
4 was required.

5 l. On or about December 31, 2019 or January 1, 2020, The Huanan Seafood Wholesale
6 Market was closed by Wuhan Authorities.

7 m. On January 1, 2020 The Wuhan Public Security Bureau issued a summons to Dr. Li
8 Wenliang, accusing him of “spreading rumors.” Two days later, at a police station, Dr. Li
9 Wenliang signed a statement acknowledging his “misdemeanor;” that he was “making
10 false comments;” and promising not to commit further “unlawful acts.” Seven other people
11 were also arrested on similar charges and their fate is unknown. Also that day, “after
12 several batches of genome sequence results had been returned to hospitals and submitted
13 to health authorities, an employee of one genomics company received a phone call from
14 an official at the Hubei Provincial Health Commission, ordering the company to stop
15 testing samples from Wuhan related to the new disease and destroy all existing samples.”

16 n. According to a study of cellphone data from China, 175,000 people left Wuhan on January
17 1, 2020. According to global travel, it is believed 21 countries have direct flights to Wuhan.
18 In the first quarter of 2019 for comparison, 13,267 air passengers traveled from Wuhan,
19 China, to destinations in the United States, or about 4,422 persons per month. The U.S.
20 government did not bar foreign nationals, who had traveled to China, from entering the
21 U.S. for another month because of representations made by the Defendants that the health
22 crisis “was under control.”

23 o. On January 2, 2020, one study of patients in Wuhan could only connect 27 of 41 infected
24 patients to exposure to the Huanan Seafood Wholesale Market, indicating human-to-
25 human transmission had occurred away from the market. Yanyi Wang, the Director of the
26 Wuhan Institute of Virology, sent an email to staff and key officials ordering them not to
27 disclose information on this new disease. Meanwhile, the PRC did not announce this
28 information for another week.

- 1 p. On January 3, 2020, the Chinese government continued efforts to suppress information
2 about the virus: “China’s National Health Commission, the nation’s top health authority,
3 ordered institutions not to publish any information related to the unknown disease, and
4 ordered labs to transfer any samples they had to designated testing institutions, or to destroy
5 them.” More than one month after the first cases in Wuhan, the United States government
6 was notified. Robert Redfield, the Director of the US Centers for Disease Control and
7 Prevention, received initial reports about a new coronavirus from Chinese colleagues,
8 according to Health and Human Services Secretary Alex Azar. Also, on this day, the
9 Wuhan Municipal Health Commission released a statement, “As of now, preliminary
10 investigations have shown no clear evidence of human-to-human transmission and no
11 medical staff infections.” Later it was discovered that this information was false.
- 12 q. On January 4, 2020, the head of the University of Hong Kong’s Centre for Infection, Ho
13 Pak-Leung, warned that “the city should implement the strictest possible monitoring
14 system for a mystery new viral pneumonia that has infected dozens of people on the
15 mainland, as it is highly possible that the illness is spreading from human to human.”
- 16 r. On January 5, 2020, The Wuhan Municipal Health Commission issued a statement with
17 updated numbers of cases, but repeated, “preliminary investigations have shown no clear
18 evidence of human-to-human transmission and no medical staff infections.” Later it was
19 discovered that this information was false.
- 20 s. On January 5, 2020, Professor Zhang Yongzhen of the Shanghai Public Health Clinical
21 Center provided the genomic sequence of the “new” virus to Chinese authorities.
- 22 t. On January 6, 2020, Wang Linfa, an expert on emerging infectious diseases at the Duke-
23 NUS Medical School in Singapore, said he was frustrated that scientists in China were not
24 allowed to speak to him about the outbreak. Dr. Wang said, however, that he thought the
25 virus was likely not spreading from humans to humans because health workers had not
26 contracted the disease. “We should not go into panic mode,” he said basing his position
27 upon the false information the Defendants were telling the world. Also, that day, the CDC
28 “issued a level 1 travel watch, the lowest of its three levels, for China’s outbreak. It relayed

1 that the cause and the transmission mode were not then known, and it advised travelers to
2 Wuhan to avoid living or dead animals, animal markets, and contact with sick people. Also,
3 on January 6, 2020, the U.S. CDC offered to send a team to China to assist with the
4 investigation. The PRC declined. Significantly, U.S. authorities recently disclosed that if
5 the PRC had told them the truth about the seriousness of the pandemic, they would have
6 taken different measures which would have prevented at least 95% of the current U.S.
7 illnesses, death and financial losses.

- 8 u. On January 9, 2020, the WHO released a statement about the cluster of pneumonia cases
9 in Wuhan, suggesting the cases were attributable to a new coronavirus, because they ruled
10 out SARS, MERS, influenza, bird flu, and other known pathogens.
- 11 v. On January 10, 2020, the Defendants' agent and health expert, Wang Guangfa, told the
12 Chinese state's China Central Television that the pneumonia was "under control" and
13 downplayed the virus as a "mild condition."
- 14 w. On January 11, 2020, after being outed by the WHO, the Defendants finally announced the
15 first "official death" of a coronavirus patient in China. Also, on that same day, The Wuhan
16 City Health Commission issued an update declaring, "All 739 close contacts, including
17 419 medical staff, have undergone medical observation and no related cases have been
18 found . . . No new cases have been detected since January 3, 2020. At present, no medical
19 staff infections have been found, and no clear evidence of human-to-human transmission
20 has been found." They issued a Q&A sheet later that day reemphasizing that "most of the
21 unexplained viral pneumonia cases in Wuhan this time have a history of exposure to the
22 South China seafood market. No clear evidence of human-to-human transmission has been
23 found." Later it was discovered that this information was false.
- 24 x. On January 12, 2020, the PRC publicly shared the genetic sequence with the WHO.
- 25 y. On January 13, 2020, authorities in Thailand detected the virus in a 61-year-old Chinese
26 woman who was visiting from Wuhan, the first known case outside of China. Thailand's
27 Ministry of Public Health, said the woman had not visited the Wuhan seafood market, and
28 had come down with a fever on January 5, 2020. However, the doctor said, the woman had

- 1 visited a different, smaller market in Wuhan, in which “live and freshly slaughtered
2 animals were also sold.”
- 3 z. On January 14, 2020, Wuhan city health authorities released another statement declaring,
4 “Among the close contacts, no related cases were found.” Wuhan doctors knew this was
5 false since early December 2019, from the first victim and his wife, who did not visit the
6 market. Moreover, Shi Zhengli, the Deputy Director of the Wuhan Institute of Virology,
7 recently gave an outline lecture during which she admitted that on January 14, 2020 her
8 research team found that “the new virus could infect people.” The World Health
9 Organization, based on representations made to it by PRC, echoed China’s assessment:
10 “Preliminary investigations conducted by the Chinese authorities have found no clear
11 evidence of human-to-human transmission of the novel coronavirus (2019-nCoV)
12 identified in Wuhan, China.” This was five or six weeks after the first confirmed evidence
13 of human-to-human transmission in Wuhan. Sky News Australia has reported that some
14 doctors from the WHO wanted to declare a global emergency, which would have resulted
15 in travel restrictions to reduce the spread of COVID-19. However, they did not because of
16 the Defendants’ false assurances that the matter was under control.
- 17 aa. On January 14, 2020, Chinese police started detaining journalists, who were trying to report
18 the outbreak, which had occurred at the Wuhan Jinyintan Hospital. These journalists were
19 also forced to delete any footage taken, and they were forced to give their phones to the
20 police.
- 21 bb. On January 15, 2020, Japan reported its first case of coronavirus. Japan’s Health Ministry
22 said the patient had not visited any seafood markets in China, adding that “it is possible
23 that the patient had close contact with an unknown patient with lung inflammation while
24 in China.” The Wuhan Municipal Health Commission began to change its statements, now
25 declaring, “Existing survey results show that clear human-to-human evidence has not been
26 found, and the possibility of limited human-to-human transmission cannot be ruled out, but
27 the risk of continued human-to-human transmission is low.” Also, on January 15, 2020, Li
28 Qun, the head of the Chinese CDC (Center for Disease Control), misled the public by

- 1 stating that the risk of human to human transmission “was low.”
- 2 cc. On January 17, 2020, The US CDC and the Department of Homeland Security’s Customs
3 and Border Protection announced that travelers from Wuhan to the United States will
4 undergo entry screening for symptoms associated with 2019-nCoV at three U.S. airports
5 that receive most of the travelers from Wuhan, China: San Francisco, New York (JFK),
6 and Los Angeles airports. The Wuhan Municipal Health Commission’s daily update
7 declared, “A total of 763 close contacts have been tracked, 665 medical observations have
8 been lifted, and 98 people are still receiving medical observations. Among the close
9 contacts, no related cases were found.”
- 10 dd. On January 18, 2020, despite the known COVID-19 crisis and its high level of
11 contamination, the City of Wuhan held a “potluck” banquet for 40,000 people to try and
12 break a world record.
- 13 ee. On January 19, 2020, The Chinese National Health Commission declared the virus “still
14 preventable and controllable.” The WHO, based upon representations made by Defendants,
15 updated its statement, declaring, “Not enough is known to draw definitive conclusions
16 about how it is transmitted, the clinical features of the disease, the extent to which it has
17 spread, or its source, which remains unknown.”
- 18 ff. On January 20, 2020, The Wuhan Municipal Health Commission declared for the last time
19 in its daily bulletin, “no related cases were found among the close contacts.” That day, the
20 head of China’s National Health Commission team investigating the outbreak, confirmed
21 that two cases of infection in China’s Guangdong province had been caused by human-to-
22 human transmission and medical staff had been infected. Also, on this date, the Wuhan
23 Evening News newspaper, the largest newspaper in the city, mentioned the virus on the
24 front page for the first time since January 5, 2020.
- 25 gg. On January 20, 2020, Dr. Zhong Nanshan, a top Chinese doctor who previously helped
26 fight the SARS epidemic, stated during a television interview that COVID-19 was
27 spreading from person-to-person. This same doctor later stated that if the Defendants had
28 acted in December 2019 or early January 2020 to contain the virus, “the number of sick

- 1 would have been greatly reduced.”
- 2 hh. On January 20, 2020, the Mayor of Wuhan Zhou Xianwang admitted that Beijing’s rules
- 3 kept him from disclosing information about COVID-19.
- 4 ii. On January 21, 2020, the CDC confirms the first case of coronavirus in the US. This
- 5 involved a Washington State man in his 30’s who had returned from China on January 15,
- 6 2020.
- 7 jj. On January 22, 2020, the WHO issued a statement that there is evidence of human-to-
- 8 human transmission based on WHO’s brief field visit to Wuhan. However, the Defendants
- 9 still had not admitted that based upon their own knowledge of many prior cases, human-
- 10 to-human contact transmission had occurred.
- 11 kk. On January 23, 2020, the City of Wuhan was ordered locked down. However, 5 million
- 12 people had already left the city without being screened by that time, and nobody knows
- 13 where these 5 million people travelled to. However, there is information confirming that
- 14 many of these people travelled to cities in the U.S., including to Las Vegas, Nevada.
- 15 ll. On January 30, 2020, the first person-to-person case in the US was reported. This involved
- 16 the husband of a Chicago woman who brought the infection back from Wuhan, China. On
- 17 that same day, the WHO declared a “public health emergency of international concern.”
- 18 The WHO’s determination of “global public health emergency” has been around since
- 19 2005 and has been used only five times before.
- 20 mm. On January 31, 2020, President Trump declared COVID-19 a U.S. public health emergency
- 21 and issued a ban of travel between the U.S. and china.
- 22 nn. On February 1, 2020, Dr. Li Wenliang tested positive for coronavirus. He died from it six
- 23 days later.
- 24 oo. On February 2, 2020, the first death outside of China was recorded in the Philippines.
- 25 pp. On February 4, 2020, Bloomberg News disclosed that the WIV was involved in commerce
- 26 because on that same day, it issued a statement that it had “applied for a national patent on
- 27 an experimental Gilead Sciences Inc. drug they believed might fight COVID-19. The drug
- 28 was Remdesivir. The WIV had begun testing Remdesivir on Chinese citizens and was

- 1 interested in marketing this drug for profit in China and two other countries.
- 2 qq. On February 6, 2020, to further control the narrative of “everything is under control,”
- 3 PRC’s President Jinping ordered China’s Internet watch dog to further control social media
- 4 platforms. On that same day, journalist and attorney Chen Qiushi, disappeared in Wuhan
- 5 after posting footage from overcrowded hospitals and panicking families.
- 6 rr. On February 7, 2020, Dr. Li Wenliang, who was one of the first whistle blowers regarding
- 7 COVID-19, died. The PRC disclosed that Dr. Wenliang allegedly died after contracting
- 8 coronavirus from a patient that he was treating.
- 9 ss. On February 9, 2020, journalist Fang Bin mysteriously disappeared after posting videos
- 10 about the COVID-19 crisis in Wuhan. Also, on this same day, the death toll in China
- 11 surpassed that of the 2002-2003 SARS epidemic, with 811 deaths recorded. Later, it was
- 12 discovered that the PRC had under reported its death count.
- 13 tt. On February 11, 2020, the WHO’s International Director, Dr. Ghebreyesu, stated that “a
- 14 virus is more powerful in creating political, economic, and social upheaval than any
- 15 terrorist attack.”
- 16 uu. On February 15, 2020, President Jinping further tightened control over the Internet. On
- 17 that same day, Chinese activist, Xu Zhiyong, was arrested for writing an essay that called
- 18 upon President Jinping to resign for his poor handling of the coronavirus pandemic.
- 19 vv. On February 16, 2020, Chinese Professor, Xu Zhangrun, was arrested and banded form
- 20 using the internet after he published an article stating, “the coronavirus epidemic has
- 21 revealed the rotten core of Chinse governance.”
- 22 ww. On February 19, 2020, reporters for the Wallstreet Journal had their press credentials
- 23 revoked in Beijing over their coverage of the coronavirus outbreak.
- 24 xx. On February 29, 2020, the first death from COVID-19 was recorded in the U.S. in
- 25 Kirkland, Washington.
- 26 yy. On March 5, 2020, the WHO recommended “wide testing.” Doctors at the WHO disclosed
- 27 that they put off making this global recommendation because of the inaccurate information
- 28 that the PRC had given to the WHO prior to this date. On this same date, the state of

- 1 Nevada announced its first two cases of COVID-19.
- 2 zz. On March 11, 2020, the WHO declared that COVID-19 was a pandemic after it had spread
3 to over 100 countries.
- 4 aaa. On March 13, 2020, President Trump declared COVID-19 a national emergency.
- 5 bbb. On March 14, 2020, another Chinese reporter, Ren Zhiqiang, disappeared after he
6 criticized President Jinping’s handling of the coronavirus epidemic.
- 7 ccc. On March 17, 2020, the PRC ordered journalists from the New York Times, Wall Street
8 Journal and Washington Post to leave the country after they continued to report the out
9 of control pandemic in China and that country’s citizens’ complaints.
- 10 ddd. On March 19, 2020, after there was wide-spread unrest in the PRC, the government
11 publicly announced that the Wuhan police had acted improperly when they had
12 previously stated that whistle blower Dr. Li Wenliang was “spreading rumors” about the
13 coronavirus in early January 2020. However, even this “admission” was misleading
14 because Dr. Wenliang first complained in late December 2019 and his statements
15 pertained to the existence of a “new” and deadly virus. On this same day, very incredibly,
16 the PRC announced that the whole country had “no new locally spread infections for the
17 first time since the pandemic started.” Later it was discovered that this was false
18 information.
- 19 eee. On March 22, 2020, the PRC’s narrative was that the pandemic was under control in
20 China and there were very few new deaths in China related to COVID-19. However,
21 this PRC narrative is contradicted by Chinese Billionaire, Guo Wengui, who has stated
22 that the Chinese government continued to underreport illnesses and deaths because they
23 were then currently using portable incubators to cremate up to 1,200 bodies a day.
24 Significantly, Mr. Wengui’s claims are supported by many scientists, who seriously
25 doubt that the PRC, which has over 1.3 Billion people, and had over 100,000 infected
26 people only a few weeks earlier, suddenly experienced a miracle that has resulted in “no
27 new deaths.”
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- 1 fff. On March 30, 2020, 60 Minutes Australia reported that Dr. Ai Fen, a Chinese doctor who
2 claimed her bosses tried to silence her early warnings about COVID-19, had mysteriously
3 disappeared.
- 4 ggg. On April 1, 2020 Chang Jile, the Head of China’s National Health Commission, admitted
5 that the PRC had been under reporting COVID-19 cases because it had not reported
6 cases where people had tested positive for COVID-19, but were asymptomatic.
- 7 hhh. On April 1, 2020 Bloomberg News reported that the U.S. Intelligence Community
8 presented President Trump with a “highly classified report” confirming that the PRC
9 had lied to the world about COVID-19, its origins, and made “fake” reporting about the
10 number of illnesses and deaths. On that same day, Vice President Mike Pence told CNN
11 in an interview “What appears evident now is that long before the world learned in
12 December that China was dealing with this, and maybe as much as a month earlier than
13 that, that the outbreak was real in China.” On that same day, Dr. Deborah Birx, a world
14 respected expert and the U.S. State Department’s virologist stated that the PRC’s false
15 reporting was a “serious” problem because it affected how the U.S. interpreted China’s
16 data.
- 17 iii. On April 2, 2020 Richard Ebright, a molecular biologist stated that it’s possible that
18 COVID-19 was unleashed due to a leak at the Wuhan Institute of Virology. On this same
19 day the world passed 1 Million COVID-19 infections.
- 20 jjj. On April 7, 2020, the U.S. reported the highest single death toll for any country in the
21 world when it reported more than 1,900 deaths.
- 22 kkk. On April 8, 2020, the Wall Street Journal reported that Ren Zhigiang, who was a powerful
23 businessman, the former Chairman of a state-owned company and a leader of the
24 communist party, disappeared on March 12, 2020. This “disappearance” occurred shortly
25 after Mr. Zhigiang criticized the PRC’s President Xi Jinping for his handling of the
26 pandemic. The Journal also reported that the PRC just announced that it was
27 “investigating Mr. Zhigiang for committing serious violations of party discipline and
28 law.”

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iii. On April 10, 2020, the global death toll surpassed 100,000.

mmm. As of April 13, 2020, the PRC reported only 82,160 confirmed COVID-19 cases and 3,341 deaths.

nnn. On April 14, 2020, it was reported that the Chinese researchers at WIV “were receiving assistance from the Galveston National Laboratory at the University of Texas Medical Branch and other U.S. organizations.” This assistance was given because the WIV was doing advanced research on bats to human virus transmission and this was concerning because the bats being experimented “were very likely from the same bat population that spawned the SARS coronavirus in 2003....and the findings strongly suggests that SARS-like coronavirus from bats can be transmitted to humans to cause SARS-like diseases.” Therefore, in January 2018, the U.S. Embassy in Beijing took the unusual steps of sending top U.S. scientists and diplomats to the WIV and Wuhan CDS in order to monitor this dangerous research, because there was a history at both Chinese Laboratories of poor safety precautions.

20. The Defendants’ failure to be transparent with the public and failure to confront the COVID-19 crisis by ordering a quarantine for almost two months, was central to a pandemic occurring because the infection spread in an exponential manner. According to scientists, almost 99% of the world’s infections could have been avoided if the Defendants had acted properly in early December 2019.

21. As a result of the actions and inactions of the PRC and the other Defendants, the international community, including the Named Plaintiffs, were misled and unaware of the severity and dangers of COVID-19.

22. To prevent the widespread dissemination of the COVID-19 virus, the PRC and the other Defendants could have: (a) timely and accurately collected detailed information concerning the COVID-19 virus at its initial onset; (b) immediately informed the WHO of the potential public health threat, as required by the IHR, such as, related symptoms and human to human transmission; (c) provided the WHO with accurate infection, illness, and death reports as required by the IHR;

1 (d) informed the public of the dangerous and deadly impact of the virus to allow adequate
2 preparation to slow the spread of the virus, including but not limited to, test kits, social distancing
3 mandates, travel bans, and the importance of handwashing; (d) immediately closed the Huanan
4 Seafood Wholesale Market after they had determined the source of the COVID-19 virus could
5 have originated there; (e) allowed its doctors and experts to test and report on the apparent signs
6 of a possible pandemic, instead of arresting and silencing them; and (f) reduced or eliminated the
7 global spread of the COVID-19 virus by preventing 5 million people from traveling to and from
8 Wuhan before they officially locked down the City of Wuhan.

9 23. When COVID-19 reached the US, it quickly led to an unprecedented health crisis.
10 This virus has infected over 1,850,000 Americans, though it is suspected that there are
11 exponentially more Americans unknowingly carrying the virus and has made many of those
12 Americans very sick all as a result of the actions and inactions taken and not taken by Defendants.
13 As of June 2, 2020, over 1,850,000 people in the US had been infected with this new coronavirus,
14 and over 6,006,000 people in the world were infected. Significantly, this virus is so contagious it
15 took several weeks for the first 100,000 cases (most of which were in China) to occur; the next
16 100,000 global cases occurred in the following 12 days; and it took just 3 days for the documented
17 cases to go from 200,000 to 300,000 cases. The US leads the numbers of infected persons
18 worldwide. Also, as of June 2, 2020, over 107,000 Americans have died from COVID-19 and 421
19 of these deaths have occurred in Nevada.

20 24. The conduct and misconduct of the Defendants has caused substantial monetary
21 and related damages to the Named Plaintiffs and Class Members. These damages exceed Trillions
22 of dollars, and such damages will only increase in the future because many of these small
23 businesses have been ordered closed or are working at reduced capacity. The Defendants' conduct
24 and misconduct has caused and will continue to cause the Named Plaintiffs and Class Members,
25 to suffer, among other things, reduced revenues, reduced profits and/or the closure of many US
26 "small businesses." Many of these small businesses will never reopen.

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PARTIES

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2 25. Plaintiff, Bella Vista LLC, is a Nevada limited liability company, which operates a
3 “small business” restaurant in Nevada. Currently, this company’s restaurant is still partially closed
4 because of COVID-19.

5 26. Plaintiff, Greenfield & Company Inc., is a Nevada Corporation, which operates a
6 wholesale “small business” that sells and buys flowers in several states, including Nevada.
7 Currently, this company’s business is still partially closed because of COVID-19.

8 27. Plaintiff, Life Real Estate LLC, is a Nevada Limited Liability Company, which is
9 a “small business” that does real estate transactions and management and has offices in Nevada
10 and 97 independent brokers. Currently, this company is experiencing a substantial reduction in
11 income and profits because of COVID-19.

12 28. Plaintiff, Mobile Medic CPR Training LLC, is a Nevada Limited Liability
13 Company, which is a “small business” that provides advance CPR services to medical and non-
14 medical businesses in the State of Nevada. Currently, this company is experiencing a substantial
15 reduction in income and profits because of COVID-19.

16 29. Plaintiff, DT Group LLC, is an Illinois Limited Liability Company, which is a
17 “small business” and acts as a real estate general contractor with offices in the States of Illinois
18 and Nevada. Currently, this company is experiencing a substantial reduction in income and profits
19 because of COVID-19.

20 30. Plaintiff, Synexxus Inc., is a Maryland Corporation, which is a “small business”
21 that designs and manufacturers hardware, software, technical expertise and engineering support to
22 the armed forces, intelligence communities, and commercial markets. Currently, this company is
23 experiencing a substantial reduction in income and profits because of COVID-19.

24 31. Plaintiff, Spirits of USA LLC, is a Georgia Limited Liability Company, which is a
25 “small business” and acts as a distillery providing distinctive spirits all over the United States of
26 America. Currently, this company is experiencing a substantial reduction in income and profits
27 because of COVID-19.

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1 32. Plaintiff, WSW Plastics LLC, is a Texas Limited Liability Company, which is a
2 “small business” that provides high-density and low-density polyethylene products to customers
3 in the States of Texas, Michigan, and Illinois. Currently, this company is experiencing a substantial
4 reduction in income and profits because of COVID-19.

5 33. Plaintiff, The Salon WSW Blo & Glo Lounge LLC, is a Texas Limited Liability
6 Company, which is a “small business” that provides beauty services and products, spa services,
7 and laser treatments to customers in the State of Texas. Currently, this company’s business is
8 closed because of COVID-19, and has gone out of business.

9 34. Plaintiff, UME UME Music + Arts Inc., is a New York Corporation, which is a
10 “small business” that acts as a music school in the State of New York. Currently, this company’s
11 business is partially closed because of COVID-19.

12 35. Plaintiff, 5th St. Gym Inc., is a Florida Corporation, which is a “small business” that
13 acts as a boxing gym in the State of Florida. Currently, this company’s business is closed because
14 of COVID-19.

15 36. Plaintiff, Dough Boy Fresh Inc, dba as Papa Murphy’s Pizza, is a California
16 Corporation, which is a “small business” that sells take and bake pizza to customers in the State
17 of California. Currently, this company is experiencing a substantial reduction in income and profits
18 because of COVID-19.

19 37. Plaintiff, Class Members, are all “small businesses” in the United States which are
20 similarly situated to Named Plaintiffs. According to the United States Small Business
21 Administration (“SBA”) these “small businesses” number over 32 Million businesses, which each
22 have fewer than 500 employees. Moreover, in the State of Nevada there are over 270,000 small
23 businesses alone as of 2019.

24 38. The People’s Republic of China (“the PRC”) is a foreign nation and upon
25 information and belief, the owner or part-owner of the Huanan Seafood Wholesale Market as well
26 as owner of the property beneath the market.

27 39. Upon information and belief, The National Health Commission of the People’s
28 Republic of China is the administrative government body and executive department under the PRC

1 that is responsible for monitoring and formulating health policies in Mainland China.

2 40. Upon information and belief, The Ministry of Emergency Management of the
3 People’s Republic of China is the administrative government body that coordinates emergency
4 management, including health issues, within the PRC.

5 41. Upon information and belief, The Ministry of Civil Affairs of the People’s Republic
6 of China is the administrative government body responsible for social and administrative affairs.

7 42. Upon information and belief, The People’s Government of Hubei Province (“Hubei
8 Province”) is a foreign province and administrative head of Hubei Province in the PRC.

9 43. Upon information and belief, The People’s Government of City of Wuhan, China
10 (“Wuhan”) is a foreign city and administrative head of the City of Wuhan, China.

11 44. Upon information and belief, The Wuhan National Health Commission is an
12 administrative government body that is responsible for monitoring and formulating health policies
13 in Wuhan, China.

14 45. Upon information and belief, The Huanan Seafood Wholesale Market is a live
15 animal and seafood market in Jianghan District, Wuhan, Hubei, China and sold various food items,
16 including a number of wildlife animals.

17 46. The Communist Party of China is the sole governing party within China. Upon
18 information and belief, the Communist Party is not an organ or political subdivision of the PRC,
19 nor is it owned by the PRC or a political subdivision of the PRC, and thus, it is not protected by
20 sovereign immunity. *See Yaodi Hu v. Community Party of China*, 2012 WL 7160373 at *7 (W.D.
21 Mich. Nov. 20, 2012) (holding that the Communist Party of China is not entitled to immunity
22 under the Foreign Sovereign Immunities Act).

23 **JURISDICTION AND VENUE**

24 47. This Court has subject matter jurisdiction over this class action pursuant to the Class
25 Action Fairness Act of 2005 (CAFA) and 28 U.S.C. § 1332(d). The matter in controversy,
26 exclusive of interest and costs, exceeds the sum or value of \$5,000,000; there exists minimal
27 diversity between parties; and as of 2019, there are 30.7 Million US “small businesses,” which are
28 putative class members.

1 48. This Court further has jurisdiction under the Foreign Sovereign Immunities Act
2 (FSIA) of 1976, 28 U.S.C. §§ 1602 *et seq.*, and particularly the exceptions of § 1605(a) (2) (for
3 acts outside the territory of the United States in connection with a commercial activity of the
4 Defendants, that cause a direct effect in the United States); § 1605(a) (5) (for money damages for
5 loss of property, occurring in the United States and caused by the tortious acts or omissions of
6 Defendants, or of any official or employee of Defendants while acting within the scope of his
7 office or employment); and § 1605(B) (for money damages for physical injury to person or
8 property or death occurring in the United States and caused by an act of international terrorism
9 and tortious acts of the foreign state).

10 49. This Court has jurisdiction under 28 USC § 1605 (a) (2), which states “in which the
11 action is based upon a commercial activity carried on in the United States by the foreign state; or
12 upon an act performed in the United States in connection with a commercial activity of the foreign
13 state elsewhere; or upon an act outside the territory of the United States in connection with a
14 commercial activity of the foreign state elsewhere and the act causes a direct effect in the United
15 States.”

16 50. “Commercial activity” is defined as “either a regular course of commercial conduct
17 or a particular commercial transaction or act. The commercial character of an activity shall be
18 determined by the reference to the nature of the course of conduct or particular transaction or act,
19 rather than by reference to its purpose. 28 USC § 1603 (d). A “foreign state” is defined as a
20 political subdivision of a foreign state or an agency or instrumentality of a foreign state. 28 USC
21 § 1603 (a).

22 51. Upon information and belief, Defendants have engaged in various agreements with
23 institutions in the U.S. prior to the COVID-19 outbreak. A “commercial activity” in the subject
24 case, in part, centers around substantial monetary payments made by the state-run Wuhan
25 University of Technology to Harvard University Professor and Chair of the Chemistry and
26 Chemical Biology Department, namely Dr. Charles Lieber, to establish a research lab at Wuhan
27 University. Dr. Lieber was arrested on January 28, 2020, and charged with one count of making a
28 materially false, fictitious and fraudulent statement. This “commercial transaction” with US

1 citizen Lieber that took place on US soil is believed to be in direct relation to the COVID-19
2 outbreak and/or cover-up. Moreover, upon information and belief, the PRC and the WIV marketed
3 their extensive commercial activities with the Galveston National Laboratory at the University of
4 Texas, and this activity has been going on for several years. Upon information and belief, some of
5 the WIV's research was funded by The United States of America's National Institute of Health.

6 52. Furthermore, through the WIV's research, the WIV discovered several new
7 coronaviruses and successfully tested the drug, Remdesivir, on these newly discovered
8 coronaviruses. Upon information and belief, the WIV knew that Remdesivir was effective in
9 combating COVID-19 when it allowed the virus to escape and eventually become a pandemic.
10 Upon information and belief, the WIV and Defendants attempted to patent Remdesivir in hopes of
11 receiving a considerable commercial and monetary gain from the United States of America, and
12 across the world. Significantly, upon information and belief, the Defendants' attempt to patent
13 Remdesivir was occurring during the same time period during which they successfully transmitted
14 coronavirus from bats to human cells.

15 53. Upon information and belief, government-named Defendants controlled operations
16 of the market by allowing it to pass city inspection, temporarily closing the market after the
17 COVID-19 outbreak, and subsequently reopening the market. Furthermore, it is believed the PRC
18 owns the land on which the Huanan Seafood Market sits. Furthermore, Defendants sold or allowed
19 to be sold contaminated products to vendors at the Huanan Seafood Market. Defendants'
20 knowledge, direct or constructive, and allowance of the sale of COVID-19 infected products at the
21 Huanan Seafood Market, knowing that said product would go onto infect unsuspected purchasers,
22 who would go on to infect others, including US citizens, thereby causing this pandemic, falls under
23 the "commercial activity" exception in 28 USC § 1605. This "commercial activity" further gives
24 this Court jurisdiction over Defendants.

25 54. This Court has jurisdiction under 28 USC § 1605 (a) (5), which states "in which
26 money damages are sought against a foreign state for personal injury or death, or damage to or
27 loss of property, occurring in the United States and caused by the tortious act or omission of that
28 foreign state or of any official or employee of that foreign state while acting within the course and

1 scope of his office or employment, except any claim based upon the exercise or performance or
2 the failure to exercise or perform a discretionary function, regardless of whether the discretion be
3 abused, or any claim arising out of malicious prosecution, abuse of process, libel, slander,
4 misrepresentation, deceit, or interference with contractual rights.”

5 55. The torts and/or omissions of the Defendants in the subject case include, but are not
6 limited to, the fact that the Defendants, by act or omission, in direct contradiction to the legally
7 binding IHR, failed to warn Plaintiffs of the dangerous and lethal risks of the COVID-19 virus
8 when it first learned of such risks, thereby preventing the rest of the world from proper preparation,
9 and further, it would force the entire United States to basically “shut down” in order to defeat the
10 virus, directly impacting all small businesses in the United States. Such warnings would have taken
11 place on United States soil or through its airwaves. Such breach by the Defendants in failing to
12 warn the United States of the dangerous and lethal nature of the virus prevented the United States
13 from taking appropriate actions in denying admittance to anyone who was traveling from known
14 infected areas during a time that could have prevented the spread of the virus or kept it to a
15 minimum, allowing the United States to quarantine appropriate individuals and to prepare for what
16 was to come if such prophylactic measures were unsuccessful. The inability to contain the virus
17 and the failure to warn Plaintiffs of its lethal risks caused the COVID-19 virus to uncontrollably
18 spread in the United States.

19 56. The PRC and other Defendants have acted clearly contrary to the precepts of
20 humanity, transparency, and/or their conduct is prohibited by the internal laws of the PRC and its
21 provincial and municipal governments. Moreover, on March 19, 2020, the PRC admitted that the
22 Wuhan police acted improperly when they intimidated and forced Dr. Li Wenliang, who was a
23 whistle blower that exposed the existence and dangers of this new virus, to sign a false statement.
24 In this coerced, false statement, Dr. Wenliang denied that a new virus had been discovered and
25 was killing people in China. Then, the Defendants used this false statement to mislead the
26 international community, including the US, regarding the seriousness of this COVID-19, and the
27 immense catastrophe that it would cause to countries, people and businesses all over the world.

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1 57. The “discretionary acts” exception under 28 USC § 1605(a)(5) is inapplicable
2 because an illegal act can never be discretionary. The PRC violated the legally binding
3 International Health Regulations (“IHR”), of which PRC is a member. The purpose of IHR is to
4 “prevent, protect, against, control and provide a public health response to the international spread
5 of disease in ways that are commensurate with and restricted to public health risks, and which
6 avoid unnecessary interference with international traffic and trade.” The IHR requires that the PRC
7 have the capability to “detect, assess, report and respond to public health events.” The PRC directly
8 violated its IHR obligations and requirements by failing to properly respond to the pandemic, by
9 misleading the WHO and world community, by giving the WHO and world community false
10 scientific reports and data, and by destroying scientific evidence.

11 58. This Court has personal jurisdiction over the Defendants because they have caused
12 commercial and tortious harm to the Named Plaintiffs and Class Members, throughout the United
13 States, and in this District, and have sufficient contacts in Nevada and the rest of the US to render
14 the exercise of jurisdiction by this Court permissible.

15 59. This Court has personal jurisdiction over the Defendants under 28 USC § 1605(B)
16 which states, “A foreign state shall not be immune from the jurisdiction of the courts of the United
17 States in any case in which money damages are sought against a foreign state for physical injury
18 to person or property or death occurring in the United States and caused by (1) an act of
19 international terrorism in the United States; and (2) a tortious act or acts of the foreign state, or any
20 official, employee, or agent of that foreign state while acting within the scope of his or her office,
21 employment, or agency, regardless where the tortious act or acts of the foreign state occurred.

22 “Act of international terrorism is defined as “activities that:

- 23 a. Involve acts dangerous to human life that violate US or state criminal laws;
- 24 b. Appear to be intended to intimidate or coerce a civilian population; influence the
25 policy of a government by intimidation or coercion, or affect the conduct of a
26 government by mass destruction, assassination, or kidnapping; and
- 27 c. Occur primarily outside US territory or “transcend national boundaries in terms of
28 the means by which they are accomplished, the person they appear intended to
 intimidate or coerce, or the locale in which their perpetrators operate or seek
 asylum.”

1 60. The Defendants, each of them, did allow a deadly, highly contagious virus for
2 which there is not a present cure, into the world and acted in violation of the IHR, which is a legally
3 binding regulation upon Defendants. The Defendants did intend to coerce and intimidate its
4 civilian population by: (a) arresting citizens for “spreading rumors” about the danger of the virus;
5 (b) ordering laboratories to destroy and stop testing samples related to the virus; (c) ordering
6 institutions to refrain from publishing accurate information related to the virus; (d) detaining
7 journalists who were trying to report the outbreak and forcing them to delete video footage taken
8 at the Wuhan Jinyintan Hospital; (e) forcing journalists to give their cell phones to police officers;
9 (f) ordering China’s Internet watch dog to control social media platforms; and (g) ordering
10 journalists from the New York Times, Wall Street Journal, and Washington Post to leave the
11 country after they continued to report on the virus in China. The original activities that started this
12 pandemic did primarily occur outside the US territory, thereby conferring jurisdiction upon this
13 Court.

14 61. The subject terrorism addressed in above was conducted by the Defendants, and/or
15 an official, employee, or agent of the Defendants.

16 62. 28 USC § 1605B (d) is not triggered as the actions taken by the Defendants were
17 not an omission or tortious act or acts that constitute mere negligence; they were grossly negligent
18 and/or intentional acts.

19 63. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) (2) and (c) because
20 a substantial part of the events or omissions giving rise to Named Plaintiffs’ and Class Members’
21 claims occurred in this District.

22 64. Small business Plaintiffs, as defined by the SBA, each of them, are US citizens as
23 set forth in *Citizen’s United v. FEC*, 558 U.S. 310, 342-43 (2009), and, therefore, shall be
24 considered a “national,” each of them, as set forth in 28 USC § 1605 (B)(c).

25 65. All conditions precedent to the filing of this lawsuit have been met and/or waived
26 by the conduct of Defendants.

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GENERAL ALLEGATIONS

The Outbreak of COVID-19

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3 66. According to the US Center for Disease Control (“CDC”), as of June 2, 2020, there
4 are over 6,006,000 confirmed worldwide cases, over 371,000 deaths, and an exponentially large
5 quantity of undiagnosed cases. These numbers are expected to increase exponentially in the
6 coming weeks and months.

7 67. According to the CDC as of June 2, 2020, there are over 1,850,000 confirmed cases
8 in the US and over 107,000 deaths. In the state of Nevada alone there are over 8,680 COVID-19
9 related illnesses and 421 deaths. These numbers are expected to rise exponentially in the coming
10 hours, days and weeks as more people get tested in the US.

11 68. US Chamber of Commerce reported 29% of small businesses had temporarily
12 closed their businesses during the time frame of April 21 to May 5, 2020. These numbers are
13 expected to rise as Governors, County Commissioners and City Mayors all over the US are
14 ordering small Businesses to close or reduce their operations. Also, pursuant to the US Chamber
15 of Commerce, one in four small businesses are on the brink of permanent closure. Among those
16 who have not temporarily shut down yet, 40 % report it is likely they will do so within the next
17 two weeks. 43% of small businesses reported they are 3-6 months away from permanently shutting
18 down. 24% say they are two months or less from closing permanently and 1 in 10 report they are
19 less than one month away. The most common business responses to the COVID –19 disruption
20 are shortening hours of operation (30%), temporarily closing (29%), and adjusting employee
21 salaries (17%). As of May 28, 2020, over 40 million Americans have filed for unemployment.

22 69. COVID-19 causes cold and flu like symptoms that often lead to pneumonia and
23 severe respiratory distress that can be fatal. It is several times more deadly than the seasonal flu
24 virus. Significantly, this “new” virus has already mutated several times. Upon information and
25 belief, on May 6, 2020, researchers at the U.S. Los Alamos National Laboratory reported that they
26 have identified fourteen (14) different mutations of COVID-19 based on gene data from around
27 the world.

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1 70. Between November 17, 2019 - when the first case of this new virus was first
2 detected - until February 11, 2020, when the WHO declared the COVID-19 outbreak a pandemic,
3 the PRC and the other Defendants intentionally mislead the international community, including
4 the Named Plaintiffs, about the coronavirus and its devastating medical and economic effects.
5 Moreover, the Defendants covered-up the severity of this heath pandemic. In order to effectuate
6 this cover-up, it is believed that Defendants intimidated doctors, scientists, journalists, and lawyers
7 and ordered the destruction of medical testing and data, which would have exposed Defendants’
8 attempted cover-up to the public. While Defendants took these actions, the Defendants told the
9 public that “everything was under control.” In truth, the medical crisis was out of control.

10 ***The Effects of the COVID-19 Outbreak and China’s Role***

11 71. Because of the rising threats, the United States has barred plane travel from China,
12 the European Union, and most countries in the world. The New York Stock Exchange has suffered
13 its worst losses since the great depression. US stocks have dropped significantly in value, resulting
14 in Trillions of Dollars in lost wealth. Conventions, functions and events have been cancelled. The
15 playing seasons for all professional sports in the US have been suspended. Hotels and casinos in
16 most states, including in Nevada, have been closed. Shows and cinemas have been closed. Many
17 restaurants have been closed. Tourism has been decimated. Millions of small businesses are
18 closed. For the businesses that remain open, many of them cannot get supplies or equipment,
19 and/or they have few customers. Many supplies like toilet paper, hand sanitizers, face masks, and
20 medicines are difficult to find.

21 72. The PRC and other Defendants are part of a totalitarian governmental system. Part
22 of this system involves exaggerating good news, while suppressing bad news. The discovery of a
23 “new” contagious and deadly virus that started in Wuhan, China was bad news. International
24 treaties, International Health Regulations, agreements, and common decency required the PRC
25 and the other defendants to inform the international community shortly after November 17, 2019
26 about this novel, dangerous, contagious and deadly virus. They did not. Instead, they engaged in
27 a campaign of falsehoods, misinformation, cover-up and destruction of evidence.

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1 73. The PRC and the other Defendants failed to timely report the outbreak, under-
2 reported the severity of the virus, under-reported the deaths caused by COVID-19, and failed to
3 contain the outbreak despite knowing the seriousness of the situation.

4 74. President Trump issued an Executive Order “banning foreign nationals other than
5 the immediate family of US citizens and permanent residents who have travelled in China in the
6 past 14 days” from entering the US effective February 2, 2020. However, the PRC and
7 Defendants, from November 17, 2019 to February 2, 2020, allowed thousands of people from
8 Wuhan to travel to the US, although they knew, or should have known, that many of these people
9 carried the COVID-19 virus, and would contaminate many people living in the US and destroy
10 many U.S. businesses.

11 75. It is reported that there are only two known Chinese government bio-weapon
12 research labs in the PRC, and one of them — the National Biosafety Laboratory at the Wuhan
13 Institute of Virology — is located in Wuhan, and is close in proximity to the Huanan Seafood
14 Wholesale Market, where COVID-19 allegedly originated. This lab is considered China’s only
15 “level 4” microbiology lab – meaning it deals with the deadliest viruses. A plausible alternative
16 theory is that COVID-19 escaped from the Wuhan lab because of lax controls, or that Chinese
17 researchers sold infected lab animals to the marketplace in question, something researchers have
18 been known to do in China, instead of cremating them as PRC law requires.

19 76. The Defendants’ conduct and/or inaction has set off an unprecedented world-wide
20 pandemic, which has caused panic, illnesses, deaths, and a global recession financial meltdown
21 that may result in a global recession worse than the great depression. This global recession will
22 also impact the US and the Plaintiff Class Members.

23 77. The Defendants’ conduct, inaction, and misconduct has been egregious, contrary
24 to the precepts of humanity, and is prohibited by the internal laws of the PRC, and its provincial
25 and municipal governments, and/or international laws and treaties.

26 78. Because of the Defendants’ conduct and misconduct, as described herein, the
27 Named Plaintiffs and Class Members, have sustained, and they will continue to sustain,
28 substantial damages, including monetary loss in the trillions of dollars.

1 79. This pandemic has already adversely affected the Plaintiffs and Class Plaintiffs in
2 the United States, including in the State of Nevada.

3 80. All condition precedents to the filing of this class action lawsuit has been satisfied,
4 met, and/or waived.

5 **CLASS ACTION ALLEGATIONS**

6 81. The Named Plaintiffs assert National and Nevada Non-Commercial Tort Classes
7 against Defendants pursuant to Rules 23(a), (b) (1), (b) (2), (b) (3) and/or 23(c)(4) of the Federal
8 Rules of Civil Procedure, on behalf of themselves and all those similarly situated. The Named
9 Plaintiffs and Class Plaintiffs define the National Non-Commercial Tort Class as follows:

10 All small businesses in the United States, including the State of Nevada, which have
11 sustained, among other things, financial/monetary damages and/or losses related to the outbreak
12 of the COVID-19 virus.

13 82. The Named Plaintiffs further assert National and Nevada Commercial Classes,
14 pursuant to Rules 23(a), (b) (1), (b) (2), (b) (3) and/or 23(c) (4) of the Federal Rules of Civil
15 Procedure, on behalf of themselves and all those similarly situated. The Named Plaintiffs and
16 Class Plaintiffs define the National Commercial Class as follows:

17 All small businesses, as defined by the SBA, in the United States, including the State of
18 Nevada that have sustained, among other things, financial/monetary damages and/or losses
19 related to the outbreak of the COVID-19.

20 83. Excluded from the Class are the following: (1) the Defendants, and any parent,
21 subsidiary or affiliate organizations, and the officers, directors, agents, servants, or employees of
22 same, and the members of the immediate family of any such person; (2) all small businesses in
23 the US who timely opt out of this proceeding; (3) all small businesses that have been given valid
24 releases releasing Defendants from the claims asserted in this Class Action Complaint; (4) all
25 persons who, prior to the filing of this Complaint, have filed a non - class action claim against the
26 Defendants (or any of them) for the claims asserted in this Complaint; and (5) the judge(s) to
27 whom this case is assigned, their employees and clerks, and immediate family members.

28

1 84. The Class is sufficiently numerous, and as a result, the joinder of all members of
2 the Class in a single action is impracticable. There are over 30.7 Million Small Businesses in the
3 US, and a substantial majority of these small businesses and any of their affiliated entities, have
4 been, or will be affected financially, in the immediate future by Defendants’ wrongful conduct.

5 85. There are numerous common questions of law and fact that predominate over any
6 questions affecting only individual members of the Class. Among these common questions of law
7 and fact are the following:

8 a. Whether Defendants’ conduct was grossly negligent and/or reckless and/or
9 intentional;

10 b. Whether Defendants’ conduct was clearly contrary to the precepts of humanity;

11 c. Whether Defendants’ conduct violated established laws within the PRC;

12 d. Whether the PRC’s bio-weapons labs are ultra-hazardous activities, and caused
13 the release of the virus;

14 e. Whether the PRC violated the rules and regulations of the WHO and/or the IHR;
15 and

16 f. Whether the PRC engaged in an intentional cover-up in order to hide its reckless
17 and/or grossly negligent acts from the international community, which includes the Plaintiff
18 Class;

19 86. The claims of the Named Plaintiffs are typical of the claims of each member of the
20 Class in that, among other issues:

21 a. The Named Plaintiffs’ claims arise from the same course of conduct of Defendants
22 giving rise to the claims of other Class Members;

23 b. The claims of the Named Plaintiffs and each member of the Class are based upon
24 the same legal theories;

25 c. The Named Plaintiffs and each member of the Class have an interest in prevailing
26 on the same legal claims;

27 d. The types of financial damages incurred by the Named Plaintiffs are similar to
28 those incurred by the other Class Members; and

1 e. The defenses asserted by Defendants will be very similar, if not identical, as to all
2 Named Plaintiffs and Class Members.

3 87. The Named Plaintiffs are adequate representatives of the Class in which they
4 participate because, together with their legal counsel, each will fairly and adequately protect the
5 interests of the Class. Named Plaintiffs and all Class Members have a similar, if not identical
6 interest in obtaining the relief sought. Proof of the claims of the Named Plaintiffs will also
7 establish the claims of the Class. Named Plaintiffs are not subject to any unique defenses. Named
8 Plaintiffs have no known conflict with the Class and are committed to the vigorous prosecution
9 of this action.

10 88. The undersigned counsel are competent counsel experienced in class action
11 litigation, mass torts, and complex litigation involving such widespread harm. Counsel will fairly
12 and adequately protect the interests of the Class.

13 89. The various claims asserted in this action are certifiable under the provisions of
14 Federal Rules of Civil Procedure 23(b)(1) because prosecuting separate actions by or against
15 individual Class Members would create a risk of inconsistent or varying adjudications with
16 respect to individual Class Members that would establish incompatible standards of conduct for
17 the party opposing the Classes, or adjudications with respect to individual Class Members that,
18 as a practical matter, would be dispositive of the interests of the other Class Members who are
19 not parties to the individual adjudications, or would substantially impair or impede their ability
20 to protect their interests.

21 90. Plaintiffs' legal claims are properly certified pursuant to Rule 23(b) (3) in that: (1)
22 a class action is superior in this case to other methods of dispute resolution; (2) the Class Members
23 have an interest in class adjudication rather than individual adjudication because of their
24 overlapping rights; (3) it is highly desirable to concentrate the resolution of these claims in this
25 single forum because it would be difficult and highly unlikely that the affected Class Members
26 would protect their rights on their own without this class action case; (4) the disparity between
27 the resources of Defendants and Class Members would make prosecution of individual actions a
28 financial hardship on Class Members; (5) the prosecution of separate actions by individual Class

1 Members, or the individual joinder of all Class Members is impractical and would create a
2 massive and unnecessary burden on the Court’s resources; and (6) Management of the class will
3 be efficient and far superior to the management of individual lawsuits. Moreover, currently, the
4 undersigned counsel is unaware of any other pending litigation regarding this controversy with
5 respect to the specific SBA small business claims asserted in this case.

6 91. The issues particularly common to the Class Members’ claims, some of which are
7 identified above, are alternatively certifiable pursuant to Fed. R. Civ. P. 23(c) (4), as resolution
8 of these issues would materially advance the litigation, and class resolution of these issues is
9 superior to repeated litigation of these issues in separate trials.

10 92. The Named Plaintiffs have retained the below counsel to represent them in this
11 lawsuit and are obligated to pay said counsel reasonable attorneys’ fees provided recovery is
12 obtained.

13 **COUNT I – GROSS NEGLIGENCE AND/OR**

14 **INTENTIONAL ACTS OR OMISSIONS**

15 **(Named Plaintiffs and each Class Member Against all Defendants)**

16 The Named Plaintiffs adopt, incorporate by reference, and restate the foregoing
17 allegations in paragraphs 1 through 92, as if fully set forth herein, and further allege:

18 93. Defendants owed a duty to small businesses in the United States and in the States
19 of Nevada, Illinois, Maryland, Georgia, Texas, New York, Florida, and California, including the
20 Named Plaintiffs and the Class Members, to not act intentionally, recklessly, or with gross
21 negligence in their management and handling of the COVID-19 outbreak, so that COVID-19
22 would not unreasonably spread as it did to the United States.

23 94. Defendants breached their duty to the Named Plaintiffs and the Class Members,
24 by, among other things:

25 a. Failing to admit their knowledge of the dangers of the virus, its lethality, and the
26 ease of human to human transmission;

27 b. Failing to contain the virus in its early stages when they knew, or should have
28 known, of its dangers and ease of human to human transmission;

- 1 c. Failing to contain the virus more quickly when the spread was apparent;
- 2 d. Failing to restrict public gatherings of more than 40,000 Wuhan families when
- 3 they knew, or should have known, of the dangers of the virus and ease of transmission;
- 4 e. Failure of the governmental entities to adequately and reasonably supervise the
- 5 outbreak and contain its effects after the medical community warned them about these dangers;
- 6 f. Failing to provide adequate and reasonable warnings to Plaintiffs and the Class
- 7 Members when they knew, or should have known, of the dangers described herein;
- 8 g. Intentionally disseminating materials and statements that provided wrong
- 9 information to people within and outside China;
- 10 h. Intentionally destroying scientific evidence and data, so the Named Plaintiffs and
- 11 the Plaintiff Class Members could not know or learn about what was really occurring in China;
- 12 i. Intentionally disseminating false information to the US;
- 13 j. Actively engaging in a cover-up regarding the severity of the COVID-19
- 14 pandemic, which made it impossible for the US and the Named Plaintiffs to know, or learn, what
- 15 was really occurring in China, and how this could affect their businesses; and
- 16 k. Failing to properly operate in a safe and sanitized condition causing the spread of
- 17 COVID-19 due to animal to human transmission.

18 95. But for Defendants’ intentional, reckless, wrongful and grossly negligent breach
19 of their duties owed to the Named Plaintiffs and Class Members, the Named Plaintiffs’ and Class
20 Members’ businesses would not have been harmed.

21 96. There is a temporal and close causal connection between Defendants’ actions
22 described herein and the harm suffered, or the risk of imminent harm suffered by Plaintiffs and
23 the Class.

24 97. Upon information and belief, as early as December 2019, the Defendants knew
25 that businesses were closing in Wuhan because of COVID-19. Therefore, the Defendants knew
26 or should have known that their actions, described herein, would cause global harm to businesses,
27 including to the Named Plaintiffs and Class Members and that the risk of such harm was highly
28 likely. Defendants acted in conscious disregard of such foreseeable risk. Defendants’ actions in

1 engaging in the above-named unlawful practices and acts were grossly negligent, intentional and
2 willful, and/or wanton and reckless with respect to the rights of the Named Plaintiffs and Class
3 Members warranting the imposition of exemplary or punitive damages against Defendants.

4 98. As a direct and proximate result of Defendants’ breaches as described herein, the
5 Named Plaintiffs and the Class Members sustained Trillions of dollars in financial damages and/or
6 economic loses, and seek actual, special, exemplary, punitive and compensatory damages.

7 **COUNT II – STRICT LIABILITY FOR CONDUCTING**
8 **ULTRAHAZARDOUS ACTIVITY**

9 **(Named Plaintiffs and each Class Member Against all Defendants)**

10 Named Plaintiffs and Plaintiff Class Members adopt, incorporate by reference, and restate
11 the foregoing allegations in paragraphs 1 through 98, as if fully set forth herein, and further allege:

12 99. Upon information and belief, the only two registered bio-weapons laboratories in
13 the PRC are located in the City of Wuhan, and one of them, the National Biosafety Laboratory at
14 the Wuhan Institute of Virology, is the only declared site in China capable of working with deadly
15 viruses, and handles, according to various press accounts, covert military applications of viruses.

16 100. Upon information and belief, Defendants created and/or exploited COVID-19 in
17 its National Biosafety Laboratory, causing it to spread and injure Plaintiffs and Class Members.

18 101. In February, 2020 after the PRC’s President Xi Jinping finally began speaking
19 openly about the outbreak and its spread, it was reported by the media that the Chinese Ministry
20 of Science and Technology released a new directive titled: “Instructions on strengthening
21 biosecurity management in microbiology labs that handle advanced viruses like the novel
22 coronavirus.” Clearly, Defendants knew or should have known about containment issues within
23 their microbiology labs, such as the ones operating in Wuhan, and that those labs were handling
24 viruses such as COVID-19 because upon information and belief, from 2002 to 2019, several
25 coronavirus leak accidents had occurred at these same government owned laboratories.

26 102. The Wuhan laboratories are in close proximity to the “wild animal” marketplace
27 where COVID-19 is alleged to have originated.

28

1 103. Furthermore, it has been reported in the media that some Chinese researchers are
2 in the habit of selling their laboratory animals to street vendors after they have finished
3 experimenting on them, instead of properly disposing of infected animals by cremation, as the
4 law requires.

5 104. The conduct of Defendants in connection with activities at the National Biosafety
6 Laboratory constitutes an ultra-hazardous activity under US and Nevada law because:

- 7 a. The conduct necessarily involves a risk of serious harm to the person, land,
8 property or chattels of others which cannot be eliminated by the exercise of the utmost care;
- 9 b. The activities at the lab are not a matter of common usage; and
- 10 c. The activity is not of substantial value to any community.

11 105. The harms alleged herein are the result of Defendants' ultra-hazardous activity.

12 106. The harms suffered by the Plaintiffs and the Class Members are within the risk of
13 harm posed by Defendants' ultra-hazardous activity.

14 107. By conducting this ultra-hazardous activity, the Defendants' acts and omissions
15 demonstrate a conscious disregard or indifference to the rights, welfare, safety, and property rights
16 of Plaintiffs and the Class Members.

17 108. But for Defendants' wrongful and negligent duties owed to Plaintiffs and Class
18 Members, Plaintiffs' and Class Members' business would not have been harmed.

19 109. There is a temporal and close causal connection between Defendants' actions
20 described herein and the harm suffered, or the risk of imminent harm suffered by Plaintiffs and
21 the Class.

22 110. Because of the prior coronavirus leak accidents that had occurred in the PRC and
23 the WIV, the Defendants knew or should have known that their actions, described herein, would
24 cause global harm to businesses, including to Plaintiffs and Class Members and that the risk of
25 such harm was highly likely. Defendants acted in conscious disregard of such foreseeable risk.
26 Defendants' actions in engaging in the above-named unlawful practices and acts were negligent,
27 knowing and willful, and/or wanton and reckless with respect to the rights of Plaintiffs and Class
28 Members warranting the imposition of exemplary or punitive damages against Defendants.

1 111. As a direct and proximate result of Defendants’ ultra-hazardous activity, as
2 described herein, the Named Plaintiffs and the Class Members have been injured and harmed, and
3 have suffered damages and economic loses, and seek actual, special, exemplary, punitive and
4 compensatory damages.

5 112. Because the Defendants engaged in ultra-hazardous activity that caused Trillions
6 of dollars in damages to Named Plaintiffs and the Class Members, Defendants are strictly liable
7 to them for their damages.

8 **COUNT III – PUBLIC NUISANCE**

9 **(Named Plaintiffs and each Class Member Against all Defendants)**

10 The Named Plaintiffs adopt, incorporate by reference, and restate the foregoing
11 allegations in paragraphs 1 through 112, as if fully set forth herein, and further allege:

12 113. Defendants, and more specifically the PRC, Hubei Province and the City of
13 Wuhan, had a duty to the public at large, including Named Plaintiffs and Class Members, not to
14 create a condition that harms public health.

15 114. Defendants, and more specifically the PRC, Hubei Province and the City of
16 Wuhan, had a duty to the public at large, including Named Plaintiffs and Class Members, not to
17 allow the city and province to become, essentially a giant Petri dish, continuing to conduct
18 extraordinarily large public gatherings involving thousands of people, knowing of the dangers of
19 the virus and the ease of human to human transmission.

20 115. Defendants, and more specifically the PRC, Hubei Province and the City of
21 Wuhan, breached that duty through the conduct described herein, including by allowing COVID-
22 19 to escape into Wuhan and/or flourish in Wuhan and Hubei, and thereby become a pandemic.

23 116. Defendants’ conduct has created a nuisance that violated rights, subverted public
24 order in the United States and Nevada, is indecent and immoral, and has caused annoyance,
25 inconvenience and damage to the public, including the small businesses operated by the Named
26 Plaintiffs and Class Members.

27 117. The Defendants’ conduct created a nuisance that has resulted in unreasonable
28 injury to the Named Plaintiffs and the Class Members.

1 118. But for Defendants’ wrongful and grossly negligent actions toward the world
2 population and businesses, which includes the Named Plaintiffs and Class Members, the Named
3 Plaintiffs’ and Class Members’ business would not have been harmed.

4 119. There is a temporal and close causal connection between Defendants’ actions
5 described herein and the harm suffered, or the risk of imminent harm suffered by Plaintiffs and
6 the Class.

7 120. Defendants knew or should have known that their actions, described herein, would
8 cause global harm to businesses, including to the Named Plaintiffs and Class Members and that
9 the risk of such harm was highly likely. Defendants acted in conscious disregard of such
10 foreseeable risk. Defendants’ actions in engaging in the above-named unlawful practices and acts
11 were grossly negligent, knowing and willful, and/or wanton and reckless with respect to the rights
12 of the Named Plaintiffs and Class Members warranting the imposition of exemplary or punitive
13 damages against Defendants.

14 121. As a direct and proximate result of Defendants’ nuisance, the Named Plaintiffs and
15 the Class Members will continue to suffer harms in the form of lost revenue and lost profits, and
16 such harms will require ongoing future abatement if the Named Plaintiffs’ and the Class
17 Members’ businesses are to be operational, functional, and profitable.

18 122. As a direct and proximate result of Defendants’ nuisance, as described herein, the
19 Named Plaintiffs and the Class Members have been injured and harmed, and have sustained
20 financial damages and economic loses, and seek actual, special, exemplary, punitive and
21 compensatory damages.

22 **COUNT IV– NEGLIGENCE PER SE FOR VIOLATION OF**
23 **THE IHR LEGALLY BINDING MANDATES**

24 **(Named Plaintiffs and each Class Member Against all Defendants)**

25 123. The Named Plaintiffs adopt, incorporate by reference, and restate the foregoing
26 allegations in paragraphs 1 through 122, as if fully set forth herein, and further allege:

27 124. At all times mentioned herein, there were in force statutes, ordinances, uniform
28 codes and regulations prohibiting the conduct exhibited by Defendants, i.e. IHR.

1 125. Defendants had a duty to notify the WHO within twenty-four hours of assessment
2 of public health information of all events which may constitute a public health emergency of
3 international concern within its territory in compliance with Article 6 of the IHR.

4 126. Defendants had a duty to continue to communicate with the WHO timely,
5 accurately, and sufficiently detailed public health information, including case definitions,
6 laboratory results, source and type of the risk, number of cases and deaths, and conditions affecting
7 the spread of the disease and the health measures employed in compliance with Article 6 of the
8 IHR.

9 127. Defendants had a duty to report the difficulties faced and support needed in
10 responding to the potential public health emergency of international concern in compliance with
11 Article 6 of the IHR.

12 128. Defendants had a duty to report to the WHO any unexpected or unusual public
13 health event within its territory, irrespective of origin or source, which may constitute a public
14 health emergency of international concern in compliance with Article 7 of the IHR.

15 129. Defendants breached their duty through the conduct described herein, including
16 by failing to inform the WHO of the COVID-19 public health emergency until on or around
17 January 9, 2020, which was over one month after it is believed Defendants experienced their first
18 case of an infected COVID-19 individual.

19 130. Defendants breached their duty through the conduct described herein, including
20 by suppressing the severity of the COVID-19 virus, intentionally under reporting the number of
21 cases, deaths, and conditions connected to the spread of the virus.

22 131. Defendants breached their duty through the conduct described herein, including
23 by allowing the COVID-19 virus to escape into Wuhan and/or flourish in Wuhan and Hubei, which
24 then traveled into the United States and the entire world, and thereby became a pandemic.

25 132. Defendants breached their duty through the conduct described herein, including
26 by destroying scientific testing and data, and by giving false information to the WHO and world
27 community.

28

1 133. Defendants breached their duty through the conduct described herein, including,
2 by refusing the WHO and international scientific community to conduct an independent
3 investigation into the origins of COVID-19.

4 134. Defendants knew or should have known that their actions, described herein,
5 would cause global harm to businesses, including to Plaintiffs and Class Members and that the risk
6 of such harm was highly likely. Defendants acted in conscious disregard of such foreseeable risk.
7 Defendants' actions in engaging in the above-named unlawful practices and acts were grossly
8 negligent, knowing and willful, and/or wanton and reckless with respect to the rights of Plaintiffs
9 and Class Members warranting the imposition of exemplary or punitive damages against
10 Defendants.

11 135. That the Named Plaintiffs were within the class of persons and entities that the
12 IHR was designed to protect.

13 136. That as a direct and proximate result of Defendants, and each of their violations
14 of said statutes, ordinances, and regulations, the Named Plaintiffs and the Class Members have
15 been injured and harmed, and have sustained financial damages and economic loses, and seek
16 actual, special, exemplary, punitive and compensatory damages.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, the Named Plaintiffs, Bella Vista LLC, Greenfield & Company Inc., Life
19 Real Estate LLC, Mobile Medic CPR Training LLC, DT Group LLC, Synexxus Inc., Spirits of
20 USA LLC, WSW Plastics LLC, The Salon WSW Blo & Glo Lounge LLC, UME UME Music +
21 Arts Inc., 5th St. Gym Inc., and Dough Boy Fresh Inc., dba Papa Murphy's Pizza, on behalf of
22 themselves and as class representatives for all those similarly situated, demand judgment against
23 Defendants, and pray for the following relief :

24 a. Certification of the Class under Federal Rule of Civil Procedure 23 and
25 appointment of the Named Plaintiffs as representatives of the respective Class and their
26 undersigned counsel as Class counsel;

27 b. An order requiring that Defendants pay compensatory and other damages to the
28 Named Plaintiffs and the Class Members, for their economic and non-economic damages and

1 losses identified herein, to the full extent permitted by the law;

2 c. An order awarding all damages allowed by any governing statutes or other
3 governing law;

4 d. An order awarding exemplary or punitive damages related to Defendants'
5 fraudulent, extreme, outrageous, malicious, oppressive conduct that was performed in conscious
6 disregard of the rights and health of American businesses;

7 e. Statutory pre-judgment and post-judgment interest on any amounts awarded;

8 f. Costs and expenses in this litigation, including, but not limited to, expert fees, filing
9 fees, and reasonable attorneys' fees; and

10 g. Such other relief as this Court deems just and proper.

11 **DEMAND FOR JURY TRIAL**

12 The Named Plaintiffs, on their own behalf and on behalf the Class Members, demand a
13 trial by jury on all issues so triable.

14 Dated this 5th day of June, 2020.

15
16 **EGLET ADAMS**

17 /s/ Robert T. Eglet, Esq.

18 ROBERT T. EGLET, ESQ.

Nevada Bar No. 3402

19 ROBERT M. ADAMS, ESQ.

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