

Office of the High Commissioner for
Human Rights
United Nations Office at Geneva

REPRESENTATIVE INTERNATIONAL CLASS ACTION - CASE NO.

**JOHN DOE & JANE
DOE an anonymous
party, Petitioners
plaintiffs, in this
legal action each on
behalf of themselves,
and all those
similarly situated in
the in the United
States, Et Al,
ALLEGED VICTIMS-
PETITIONERS -
PLAINTIFFS,**

VS.

**CHINESE COMMUNIST PARTY; PEOPLE'S REPUBLIC OF CHINA;
and PETROCHINA INTERNATIONAL (AMERICA), INC.
NATIONAL HEALTH COMMISSION OF THE PEOPLE'S REPUBLIC
OF CHINA;
WUHAN HEALTH COMMISSION;
HUBEI HEALTH COMMISSION;
THE PEOPLE'S GOVERNMENT OF HUBEI PROVINCE;
THE PEOPLE'S GOVERNMENT OF CITY OF WUHAN, CHINA;
and WUHAN INSTITUTE OF VIROLOGY, CHINESE
ACADEMY OF SCIENCES,**

RESPONDENTS - DEFENDANTS.

FIRST REPRESENTATIVE CLASS ACTION COMPLAINT

Plaintiffs, JOHN DOE & JANE DOE an anonymous party, petitioners plaintiffs, in this human rights legal action each on behalf of themselves, and all those similarly situated in the United States, in the Republic of Bolivia, in the Republic of Cuba, in the Republic of Mexico, Et Al, (collectively, “Named Petitioners Plaintiffs”), on behalf of themselves and all those similarly situated, by and through their undersigned counsel, hereby sue the CHINESE COMMUNIST PARTY (“CCP”), the PEOPLE’S REPUBLIC OF CHINA (“PRC”), and PETROCHINA. INTERNATIONAL (AMERICA), INC. (“PetroChina”), THE NATIONAL HEALTH COMMISSION OF THE PEOPLE’S REPUBLIC OF CHINA; WUHAN HEALTH COMMISSION; HUBEI HEALTH COMMISSION; THE PEOPLE’S GOVERNMENT OF HUBEI PROVINCE; THE PEOPLE’S GOVERNMENT OF CITY OF WUHAN, CHINA; and WUHAN INSTITUTE OF VIROLOGY, CHINESE ACADEMY OF SCIENCES, (collectively “ Respondents Defendants”), for violations of human rights, damages, and further allege as follows:

INTRODUCTION OF TWO CAUSE OF ACTION

Submitted for consideration under Article 22 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Violations of Human Rights Treatment or Punishment.

- 1)- This is a representative class action brought by the **Named Petitioner Plaintiffs, representing general population citizens of the Republic of Bolivia, the Republic of Cuba, the Republic of Mexico, and the United States, pursuant to human rights guaranteed in the American Declaration of the Rights and**

Duties of Man (“the American Declaration”), the American Convention on Human Rights (“the American Convention”), and other inter-American human rights treaties, In addition doctors, nurses, paramedics, EMTs and other front-line medical care workers in the Republic of Bolivia, Republic of Cuba and in the United States and State of Florida, for damages suffered by them and putative class members as a result of Defendants hoarding and stockpiling Personal Protective Equipment (“PPE”); forbidding factories located in China, including those owned by U.S. corporations, from exporting PPE to the United States; and causing shortages and artificially inflated pricing of PPE.

- **The the Republic of Bolivia, the Republic of Cuba, the Republic of Mexico, and the United States, have and continues to suffer the devastating impacts of the Coronavirus/COVID-19 pandemic, with U.S. cases surpassing the 4 million mark, and the exponentially rising U.S. death toll as of March 12, 2021.**

- **The virus’s epicenter in late 2019 was Wuhan, China, and the CCP and the PRC knew that COVID-19 was dangerous and capable of causing a pandemic, yet deceived the world**

about its dangers, actively concealed it until it was too late, and failed to contain it when they could have, because of economic self-interest. Respondents Defendants' malfeasance, misfeasance, and/or nonfeasance caused the pandemic.

- **Moreover, the CCP and the PRC enlisted their U.S. oil and gas subsidiary, PetroChina to help them carry out their PPE scheme.**

- **On the front line of our nation's response to the effects of this deadly pandemic are the nearly 4,000,000 doctors, nurses, medical technicians, paramedics, and EMTs who are faced with shortages of lifesaving PPE. These shortages can be directly traced to the actions of Defendants.**

- **The conduct of Respondents Defendants has caused injury and incalculable harm to anonymous named Petitioners Plaintiffs and putative class members, and such injury and harm continues to multiply as the pandemic stretched on. The Respondent Defendants' conduct has caused and will continue to cause personal injuries and deaths, as well as other damages.**

2)- This is representative class action claim brought by the anonymous named Petitioners Plaintiffs, individuals and business owners in the Republic of Bolivia, the Republic of Cuba, the Republic of Mexico and in the United States, with various other states, for damages suffered as a result of the Coronavirus pandemic, against Respondents Defendants:

The CCP, the PRC and its various government entities overseeing the response to the Coronavirus pandemic in China generally and within Hubei Province and the City of Wuhan; and WIV, an arm of the Chinese Academy of Sciences and other cited parties.

A. The world has been devastated by the Coronavirus/COVID-19 pandemic. The virus began in Wuhan, Hubei Province, China prior to December 2019, and has spread throughout the world. As of this filing, the United States has the highest number of cases (almost 1,200,000), and deaths (over 68,000).

B. The CCP, the PRC and the other Respondents Defendants knew that COVID-19 was dangerous and capable of causing a pandemic, yet deceived the world, actively concealed it until it was too late, and failed to contain it when they could have,

because of economic self-interest. Respondents Defendants' malfeasance, misfeasance, and/or nonfeasance caused the pandemic.

C. The conduct of Respodents Defendants has caused injury and incalculable harm to Named Petitioners Plaintiffs and Class Members, and such injury and harm will only multiply in coming days and weeks. The Respondents Defendants' conduct has caused and will continue to cause personal injuries and deaths, economic disruption, and other damages.

PARTIES CAUSE OF CAUSE OF ACTION I

Named Petitioners:

- **3)- These are residents of Bolivia, of Mexico of Cuba and of the Unites States working as an intensive care unit nurses at a hospital, who could not obtain adequate supplies of PPE, and tested positive for COVID-19 after being exposed to a positive patients. Contracting the virus also put their loved ones in danger. They all have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **4)- Others are anesthesiologists and pain management doctors who have been exposed to COVID-19 from its patients and could not obtain adequate PPE, putting themselves in fear of contracting it and endangering his her family. They have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **5)- Others are radiologists in hospitals and outpatient settings, who have been exposed to COVID-19 from its patients and suffered a shortage of adequate PPE, putting themselves in fear of contracting it and endangering his her family. They have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **6)- Others are surgical technologists who have contracted COVID-19 because they could not obtain adequate PPE while working with patients. Contracting the virus also put their loved ones in danger. They have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **7)- Others are hospital registered nurse, who have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **8)- Others are retina specialist/ophthalmologist who contracted COVID-19 and became severely ill and required hospitalization. They were seeing large amount of patients a day and could not obtain an N- 95 mask until it was too late. They gave COVID-19 to their families, wife and children to endangered them. They have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **9)- Others are health care provider in an OB/GYN office. There were unable to obtain proper PPE and tested positive for COVID-19, endangering their family. The have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise *sui juris*.**

- **10)- Others health care workers and ambulatory workers who did not have adequate access to masks and other**

PPE when working with patients and were exposed to the virus and put in fear for herself and loved ones.

- **11)- Putative class members (“class members”) are those individuals and entities similarly situated to anonymous named Petitioners Plaintiffs, and will number in the hundreds of thousands, if not millions.**

Respondents - Defendants:

- **12)- The CCP is the ruling political party of China, whose leader becomes the president of the PRC. The CCP is an organization that is independent of the PRC, and it is not a political subdivision of the PRC. The CCP is not protected by sovereign immunity. See, e.g., Yaodi Hu v. Communist Party of China, Case No. 1:12-cv-1213, 2012 U.S. Dist. LEXIS 186286, at *7 (W.D. Mich. Nov. 20, 2012) (finding that the CCP and individual government officials are not entitled to immunity under the Foreign Sovereign Immunities Act).**

- **13)- The CCP is not an agent, instrumentality, or organ of the PRC, but instead, upon information and belief, the CCP sits above and constitutionally apart from the PRC.**

- **14)- The PRC is a foreign state in East Asia and is the world's most populous country. China is the largest manufacturer of PPE, and the CCP is the ruling political party.**

- **15)- PetroChina is a New Jersey corporation, headquartered in Texas, and registered to do business in and accept service of process in Florida. It is a subsidiary of China-state owned PetroChina International Co., Ltd. It is one of the largest oil and gas traders in the United States, and its parent's market capitalization is often more than ExxonMobil and other more well-known western oil companies. PetroChina is traded on the New York Stock Exchange.**

- **16)- National Health Commission of the People's Republic of China, the Wuhan Health Commission, the Hubei Health Commission, the People's Government of Hubei Province, the People's Government of City of Wuhan, China, and Wuhan Institute of Virology, China Academy of Sciences, some are privated, other government and non government Institutions.**

PARTIES CAUSE OF ACTION II

- **17)- John and Jane doe are residents of the Republic of Bolivia anonymous parties, who have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise sui juris. They have suffered great loss of lives, loss of health and great financial losses due to the pandemic COVID 19.**
- **18)- John and Jane doe are residents of the Republic of Cuba anonymous parties, who have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise sui juris. They have suffered great loss of lives, loss of health and great financial losses due to the pandemic COVID**
- **19)- John and Jane doe are residents of the Republic of Mexico anonymous parties, who have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise sui juris. They have suffered great loss of lives, loss of health and great financial losses due to the pandemic COVID 19.**

- **20)- John and Jane doe are residents of the United States of America anonymous parties, who have been injured and damaged by Respondents Defendants' conduct, as described herein, and is otherwise sui juris. They have suffered great loss of lives, loss of health and great financial losses due to the pandemic COVID 19.**
- **21)- THE BUSINESSES of John and Jane Doe are anonymous owners of private companies that have been injured and damaged by Respondent Defendants' conduct. These businesses are public facilities serving the public that have lost its business due to COVID-19.**
- **22)- Class Members are those individuals and entities similarly situated to Named Petitioners Plaintiffs Victims, and will number in the millions.**

Respondents - Defendants:

23)- The CCP is the ruling political party of China, whose leader becomes the president of the PRC. The CCP is an organization that is independent of the PRC, and it is not a political

subdivision of the PRC. The CCP is not protected by sovereign immunity.

See, e.g., Yaodi Hu v. Communist Party of China, Case No. 1:12-cv-1213, 2012 U.S. Dist. LEXIS 186286, at *7 (W.D. Mich. Nov. 20, 2012) (finding that the CCP and individual government officials are not entitled to immunity under the Foreign Sovereign Immunities Act).

24)- The CCP is not an agent, instrumentality, or organ of the PRC, but instead, upon information and belief, the CCP exercises direction and control over the actions of all other Defendants.

The PRC is a foreign state in East Asia and is the world's most populous country.

25)- The National Health Commission of the People's Republic of China ("NHC") is an administrative government body/executive department responsible for national health and health policies of the PRC, but answering to the CCP.

26)- Wuhan Health Commission ("WHC") is similar to the NHC at the local level for the City of Wuhan, and also answers to the CCP.

Health Commission (“HHC”) is similar to the NHC at the provincial level for Hubei Province, and also answers to the CCP.

The People’s Government of Hubei Province (“Hubei Province”) is a foreign province and administrative head of Hubei Province in the PRC, and also answers to the CCP.

27)- The People’s Government of City of Wuhan, China (“Wuhan”) is a foreign city and administrative head of the City of Wuhan, PRC, and also answers to the CCP.

28)- National Health Commission of the People’s Republic of China, the Wuhan Health Commission, the Hubei Health Commission, the People’s Government of Hubei Province, the People’s Government of City of Wuhan, China, and Wuhan Institute of Virology, China Academy of Sciences, some are privated, other government and non government Institutions.

29)- On information and belief, at all relevant times, the Respondents Defendants, the PRC, NHC, WHC, HHC, Hubei Province, and Wuhan (collectivity, the “Chinese Government

Defendants”) acted in concert with one another and acted as agents and/or principals of one another in relation to the conduct described herein.

30)- WIV has both a “level 4” and “level 3” virology lab located in Wuhan and it is a research institute that studies infectious diseases, pathogens, and viruses, among other topics. It is an arm of the Chinese Academy of Sciences, which controls it. Its level 4 and level 3 labs are supposed to have the highest levels of security and containment.

31)- One of the main goals of the Chinese Academy of Sciences (“CAS”), which operates WIV, is to commercialize its work and partner with commercial market participants. For example, its “About Us” page states that it “promotes long-term, strategic partnerships with first-rate research institutions, international science organizations and multinational research and development corporations.”¹ It also creates

1 “About Us,” Chinese Academy of Sciences, available at:

http://english.cas.cn/about_us

[/introduction/201501/t20150114_135284.shtml](http://english.cas.cn/introduction/201501/t20150114_135284.shtml).

Case 1:20-cv-21108-UU Document 11 Entered on FLSD Docket 05/04/2020 Page 10 of 56 CASE NO. 1:20-cv-21108-UU 11 market participant companies, further stating: “In 2014 alone, over 700 CAS spin-off companies have grossed about RMB 350 billion (US\$56 billion).”

32)- Indeed, it is well known that private multi-national pharmaceutical companies, and research labs (such as from U.S. universities) participate in, fund, and maintain labs and projects at WIV. These are business transactions between CAS and private entities, where CAS is a market participant like a private research lab. The entities CAS contracts with engage in similar transactions — contracting with or joint venturing with private research labs — as part of their world-wide research efforts.

33)- On information and belief, at all relevant times, WIV and the Chinese Government Defendants acted in concert with one another and acted as agents and/or principals of one another in relation to the conduct described herein.

JURISDICTION AND VENUE

Serious and urgent situations.

- **34)- This Commission and Court have subject matter jurisdiction over this matter pursuant to the Submitted for consideration under Article 22 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Violations of Human Rights Treatment or Punishment.**

- **Consideration of these Petitions described herein.**

35)- This is a serious and urgent situations, this Commission may at the request of these Petitioners named above requesting that the Respondents and Respondent's State adopt precautionary measures to prevent additional irreparable harm to persons and to the subject matter of the proceedings in connection with this now pending petition, pursuant to the human rights guaranteed in the American Declaration of the Rights and Duties of Man ("the American Declaration"), the American Convention on Human Rights ("the American Convention"), and other inter-American human rights treaties.

36)- The measures referred to in paragraphs above is of a collective nature to prevent irreparable harm to persons due to

their association with an organization, a group, and to a community with identifiable members.

37)- This Commission shall consider the gravity and urgency of the situation, its context and the imminence of the harms in question when deciding whether to request that Respondents Defendants and Respondent's State adopt precautionary measures. The Commission shall also take into account:

a). whether the situation of risk has been brought to the attention of the pertinent authorities and/or the reasons why it might not have been possible to do so;

b). the individual identification of the potential beneficiaries of the precautionary measures or the identification of the group to which they belong; and

c). the express consent of the potential beneficiaries whenever the request is filed before the Commission by a third party unless the absence of consent is duly justified.

d). This Commission shall evaluate periodically whether it is pertinent to maintain any precautionary measures granted.

e). At any time, the Respondents and Respondent's State may file a duly grounded petition that the Commission withdraws its request for the adoption of precautionary measures. Prior to the adoption of a decision on the above captioned. Serious and urgent situations Respondent State's petition, the Commission shall request observations from the beneficiaries and their representatives. The submission of such a petition shall not suspend the enforcement of the precautionary measures granted.

f. The Commission may request relevant information from the interested parties on any matter related to the granting, observance, and maintenance of precautionary measures. Material noncompliance by the parties or their representatives with such a request may be considered a ground for the Commission to withdraw a request that the State adopt precautionary measures. With regard to precautionary measures of a collective nature, the Commission may establish other appropriate mechanisms of periodic follow-up and review.

g. The granting of such measures and their adoption by the Respondents Defendants' State shall not constitute a

prejudgment on the violation of the rights protected by the American Convention on Human Rights or other applicable instruments.

- **38)- With regard to the PRC, this UN Commission has further jurisdiction under the rules as PRC is a Member States of the UN; further jurisdiction on the merits of this case pursuant to the procedure established in Articles 22, and 48 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the AOS Commission.**

- **39)- For Human Rights violations, damages for personal injury and death, including damage to or loss of property, occurring in the Republic of Bolivia, the Republic of Cuba and in the United States and caused by the human rights violations, tortious acts and omissions of the PRC, or of any official or employee of PRC while acting within the scope of his/her office or employment); and for commercial activity carried on in the United States; for an act performed in the United States in connection with a commercial activity of the foreign state**

elsewhere; or, for an act outside the territory of occurring in the Republic of Bolivia, the Republic of Cuba and in the United States in connection with a commercial activity of the foreign state that causes a direct effect in the United States.

- **40)- A commercial activity pursuant to international law defined to be “either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.” International Commercial Law is a body of legal rules, conventions, treaties, domestic legislation and commercial customs or usages, that governs international commercial or business transactions. A transaction will qualify to be international if elements of more than one country are involved.**

- **41)- The PRC itself and in concert with the other Respondents Defendants, was a market participant in the commercial activity of manufacturing and selling PPE; buying PPE supplies on the world market and in the United States; and**

taking part in the import and export of such supplies and equipment.

- **42)- It should be noted that the safe harbor language of “discretionary acts” of a sovereign only modifies non-commercial torts. But to the extent it could apply at all, nothing in Respondent Defendants’ culpable behavior was discretionary, rather it was intentional. Moreover, under the international law developed since enactment of the Rules for Membership States of the OAS, the “discretionary acts” safe harbor does not apply where, such as here: the PRC has acted clearly contrary to the precepts of humanity; their conduct is anti-competitive and against the law; and they failed to warn of a known danger.**

- **43)- The PRC has acted egregiously in their culpable conduct and the unleashing of this virus on the world is clearly contrary to the precepts of humanity it is a gross human rights violation. The PRC clearly knew of the danger of the COVID 19 virus, the ease of human-to-human transmission, and its dangerous tendencies and failed to warn the world about it, and instead actively concealed it. At the same time they stopped all**

export of PPE from manufacturing facilities in China, and bought up all the of the world's supplies of PPE to corner the market and make a profit off their egregious conduct.

- **44)- The wrongful conduct described herein occurred in the Republic of Bolivia, the Republic of Cuba and in the United States, in that: 1) Respondents Defendants set in motion forces that had their direct impact within the borders of Petitioners Plaintiffs; and 2) Respondents Defendants engaged in wrongful conduct in the in the Republic of Bolivia, the Republic of Cuba and in the United States and caused gross human rights violations, either directly, or in concert with their U.S. companies and/r through other respondents, and/or through the PRC's and CCP's agents within the Republic of Bolivia, the Republic of Cuba and in the United States caused by the gross human rights violations, including such as at the Chinese embassy and the other regional consulates, and other offices.**

- **45)- Although the CCP, which directs and controls all activities in the PRC, is not a foreign state is a Member States of the OAS and is subject to this Commission, to the extent the**

Commission may disagree, however related jurisdictional allegations herein should be read to include the CCP.

- **46)- This Commission has jurisdiction over Respondents Defendants because they have committed tortious acts, gross violations of human rights within the Republic of Bolivia, the Republic of Cuba and the United States, and within this District, and have sufficient contacts in the Republic of Bolivia, the Republic of Cuba, the United States and this District to render the exercise of jurisdiction by this Commission permissible.**

- **47)- Venue is proper in this Commission pursuant to the rules as PRC is a Member States of the OAS; further jurisdiction on the merits of this case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission. because a substantial part of the events or omissions giving rise to Named Plaintiff's and class members' claims occurred in this District.**

GENERAL ALLEGATIONS

The Root of the Virus - Wuhan

- **48)- The Chinese government entities and the Chinese privated enteties described herein are under the ultimate control and direction of the CCP and/or PRC.**

- **49)- It is generally accepted that COVID-19/SARS-CoV-2 originated in Wuhan, but there are several theories as to how, and the theories also cross in application. Two of the prevailing theories are that: 1) the virus came from Wuhan Institute of Virology (“WIV”) and either its “P4” “level 4” or P3 labs; and 2) it originated by natural zoonotic (animal to human) transmission because of the exotic animal “wet markets” and related animal trade.**

- **50)- WIV has been a source of much scrutiny during the pandemic. At the center of the scrutiny is Dr. Shi Zhengli, who is known in China as the “bat woman,” and who has been at the forefront of studying how bats, horseshoe bats in particular, are reservoirs of SARS-like coronaviruses. Since 2004, after the original SARS outbreak, she has been collecting bats from Chinese caves in Yunnan province and eventually studying**

them at WIV in the P4 and P3 labs.¹ Indeed, Bloomberg reported on July 5, 2020, that a virus closely resembling the current virus was shipped to Dr. Shi's lab in 2013 from the caves in Yunnan after six workers clearing bat feces from the cave contracted a severe pneumonia and three died.

- Dr. Shi has been prolific in publishing reports of her work over the years.

Starting in 2010, she and her team began focusing on the “S” proteins that are the “spikes” seen in the illustrations of COVID-19, and how they might interact with ACE2 receptor cells, such as those in humans, which would allow a coronavirus to pass from bat to human without an intermediate host animal.

- 51)- In 2013, she and her team published an article in the journal *Nature* announcing a breakthrough that they had found and isolated horseshoe bat coronaviruses that closely resembled SARS-CoV viruses, and one with an S protein that

1 Jane Qiu, *How China's 'Bat Woman' Hunted Down Viruses from SARS to the New Coronavirus*, *Scientific American* (April 27, 2020), available at:

https://www.business-standard.com/article/international/more-coronaviruses-looming-large-words-of-caution-from-china-s-bat-woman-120042600837_1.html

2 Thomas Seal, *Covid-Like Virus Was Sent to Wuhan in 2013*, Bloomberg News (July 5, 2020), available at: <https://www.bloomberg.com/news/articles/2020-07-05/covid-like-virus-was-sent-to-wuhan-in-2013-sunday-times-says>

3 Joshua Philipp, *Tracking Down the Origins of Wuhan Coronavirus*, Epoch Times Documentary (Apr. 14, 2020), available at: <https://www.theepochtimes.com/coronavirusfilm>

integrated with human ACE2 receptor cells. The paper stated: “Our results provide the strongest evidence to date that Chinese horseshoe bats are natural reservoirs of SARS- CoV, and that intermediate hosts may not be necessary for direct human infection by some bat SL-CoVs.”

• 52)- In November 2015, she and her team published another breakthrough in *Nature Medicine* titled: “A SARS-like Cluster of Circulating Bat Coronaviruses Shows Potential for Human Emergence.” A key excerpt from this article states:

On the basis of these findings, we *synthetically re-derived* an infectious full-length SHC014 recombinant virus and demonstrate robust viral replication both *in vitro* and *in vivo*. Our work suggests a potential risk of SARS-CoV re-emergence from viruses currently circulating in bat populations.

Dr. Shi fully admitted that she was synthetically working with the “spikes” of the virus and increasing their ability to attach to

human receptor cells.⁶ This synthetic manipulation is also known as “gain of function” research. This synthetic bat-derived virus could easily transmit to humans.

- Dr. Shi’s manipulation of deadly viruses that eased human infection drew criticisms. Simon Wain-Hobson, a virologist at the Pasteur Institute in Paris, pointed out shortly after the paper was published, that the researchers had created a novel virus that:

- *Isolation and Characterization of Bat SARS-Like Coronavirus that Uses the ACE2 Receptor*, *Nature* (Nov. 28, 2013), available at:

- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5389864/>

- Nat. Med. 21, 1508–1513 (2015) (emphasis supplied), available at:

- <https://www.nature.com/articles/nm.3985.pdf?origin=ppub> “grows remarkably well” in human cells, and that “[i]f the virus escaped, nobody could predict the trajectory.”

- 53)- Labs such as WIV have been the source of pathogen leaks before, and in 2017 *Nature* published an article about how the international research community was particularly concerned that there could be a leak from WIV’s labs, and noted that because of the ultra-dangerous nature of the viruses contained in such a lab, a leak could have devastating consequences.

- 54)- Reports cannot be discounted that address that the purpose of the P4 lab, and the gain of function research of Dr. Shi and her team is really for bio-weapons research, and

that the work on the SARS-CoV viruses had other applications. Dr. Richard Enbright, a molecular biologist at Rutgers University in Piscataway, New Jersey, commenting in the 2017 article, said that such labs “are inherently dual use”⁹

- **55)- Despite denials that COVID-19 originated in the lab, reports and evidence are emerging that it did, including in a report from US intelligence. As recently reported:**

The report, dated March 27 and corroborated by two U.S. officials, reveals that U.S. intelligence revised its January assessment in which it "judged that the outbreak probably occurred naturally" to now include the possibility that the new coronavirus emerged "accidentally" due to "unsafe laboratory practices" in the central Chinese city of Wuhan, where the pathogen was first observed late last year.

...

The Wuhan Institute has a record of shoddy practices that could conceivably lead to an accidental release, as officials at the U.S. Embassy in Beijing reportedly warned in a cable on January 19, 2018. "During

Declan Butler, *Engineered Bat Virus Stirs Debate Over Risky Research*, Nature (Nov. 12, 2015), available at: <https://www.nature.com/news/engineered-bat-virus-stirs-debate-over-risky-research-1.18787>

David Cyranoski, *Inside the Chinese Lab Poised to Study World's Most Dangerous Pathogens*, Nature (Feb. 22, 2017):

<https://www.nature.com/news/inside-the-chinese-lab-poised-to-study-world-s-most-dangerous-pathogens-1.21487> *Id.*

interactions with scientists at the WIV laboratory, they noted the new lab has a serious shortage of appropriately trained technicians and investigators needed to safely operate this high-containment laboratory," states the cable, according to the Washington Post.

- **56)- If WIV is the source, how the virus escaped has been variously attributed to their failure to adhere to proper containment protocols, and that the virus then escaped because: 1) a post-doctoral researcher at the lab, Huang Yanling, became infected and was "patient zero" at some point in Fall 2019, and her existence has since been scrubbed;¹¹ 2) a lab researcher — in an apparently common and lucrative practice — sold research animals containing the virus to the Huanan Seafood Market in Wuhan (a researcher at WIV was recently jailed for the practice);¹² or 3) it escaped/leaked in some other intentional, reckless, or negligent way.**

- **57)- Under the WIV theories, there is no consensus as yet whether it was one of the natural viruses in the bats stored there, or one of the synthetic (or partially synthetic) "gain of**

function” viruses that made it out of WIV, but in either case, it made its way into humans and began infecting the people of Wuhan.

- **58)- It was recognized internationally that having a level 4 lab in China was potentially dangerous because Chinese researchers would not be allowed to speak freely**

***The Controversial Experiments and Wuhan Lab Suspected of Starting the Coronavirus Pandemic*, Newsweek (Apr. 27, 2020), available at: <https://www.newsweek.com/controversial-wuhan-lab-experiments-that-may-have-started-coronavirus-pandemic-1500503>**

Kenneth Rapoza, *China Lab In Focus Of Coronavirus Outbreak*, Forbes (Apr. 14, 2020), available at: <https://www.forbes.com/sites/kenrapoza/2020/04/14/the-washington-post-goes-rogue-china-lab-in-focus-of-coronavirus-outbreak/>

Venus Upadhayaya, *Pandemic Reveals Alarming Absence of Ethics in China’s Virology Labs: Experts*, Epoch Times (Apr.25,2020), available at: https://www.theepochtimes.com/pandemic-reveals-alarming-absence-of-ethics-in-chinas-virology-labs-experts_3320898.html

of safety issues in the CCP controlled country. It was further recognized that China wanted the lab so it could compete with the U.S. and the west and be a destination for researchers and funding.

- **59)- Respondents Defendants, knowing that the WIV labs did not abide by proper containment protocols, knowing they housed the most dangerous viruses, knowing they allowed dangerous “gain of function” manipulation of coronaviruses, allowed the work at WIV to continue for commercial gain, and the profit appetite of the Chinese Academy of Sciences. Because of this, COVID-19 was allowed to escape into the general public.**

The Huanan Seafood Market Theory

- **60)- The second prevalent and alternative theory is that zoonotic transmission naturally occurred because of China’s \$75 billion annual trade in exotic animals, particularly in Southern China, both for medicinal and human consumption purposes.**

- **61)- China claims to promote the conservation of exotic and endangered animals for conservation purposes, but there are many who claim that China uses conservation as a ruse to ensure exotic animals are traded and supplied to the “wet markets” such as Wuhan’s Huanan Seafood Market.**

See David Cyranoski, *Inside the Chinese Lab Poised to Study World's Most Dangerous Pathogens*, Nature (Feb. 22, 2017).

14 Wilson Center presents: *Wild Laws: China and Its Role in Illicit Wildlife Trade*, June 2, 2016, available at: <https://www.wilsoncenter.org/event/wild-laws-china-and-its-role-illicit-wildlife-trade>

See also, Rachel Nuwer, *The Key to Stopping the Illegal Wildlife Trade: China*, New York Times (Nov. 19, 2018), available at: <https://www.nytimes.com/2018/11/19/science/wildlife-trafficking-china.html>

- **62)- Although it is called a “Seafood” market, it was known to sell all types of meats, poultry, fish and reptiles.¹⁵ And although bats and other exotic animals were not listed on its official inventory, it has been reported that such exotic animals could have easily been sold there unofficially and not listed because their trade is illegal.¹⁶ The hygienic conditions of the wet markets are generally described as appalling.**

- **63)- The wet market theory hinges on natural transmission of the virus from animal to human, either directly from a bat, or through an intermediate host, such as a highly sought-after scaly anteater known as the Pangolin. It has been called “the most illegally traded mammal in the world” and they are prized for their meat and the claimed medicinal properties**

of their scales. The wet markets have been the source of prior SARS-coronavirus outbreaks.

- **64)- Knowing the link between the wet markets and the virus outbreaks, the CCP and the PRC promised the world in the mid 2000's that it would and had stopped the wet markets trade. Although these Defendants "officially" made such trade illegal, they did not stop it. There is no doubt that these Defendants have the power and ability to stop it. They just chose to let it continue and participate in it themselves for economic gain, and because of that dangerous and abhorrent decision, a pandemic was unleashed on the world.**

As New Coronavirus Spread, China's Old Habits Delayed Fight, New York Times (Feb. 1, 2020), available at: <https://www.nytimes.com/2020/02/01/world/asia/china-coronavirus.html>

Graham Readfearn, How Did Coronavirus Start and Where Did It Come From? Was It Really Wuhan's Animal Market?, The Guardian (Apr. 27, 2020), available at: <https://www.theguardian.com/world/2020/apr/28/how-did-the-coronavirus-start-where-did-it-come-from-how-did-it-spread-humans-was-it-really-bats-pangolins-wuhan-animal-market> Id.

- **65)- But no matter which theory is true, the CCP and the PRC are still culpable because of their active concealment**

of the virus outbreak, and their failure to contain it, at a time a pandemic could have been avoided.

- **66)- It should be noted that in the November/December timeframe, China and the United States were negotiating a major trade deal, and that deal was signed with great fanfare on January 15, 2020 China signed the deal under false pretenses, because, upon signing, Defendants were already in violation of the clause that stated: “In the event that a natural disaster or other unforeseeable event outside the control of the Parties delays a Party from timely complying with its obligations under this Agreement, the Parties shall consult with each other.” China needed that deal because of the ongoing contraction of their GDP and uncertainty caused by the two countries’ trade war, and it would likely have been derailed if they had been truthful about the virus.**

- **67)- By January 15th, as explained *infra*, Respondents Defendants already knew that they had a deadly virus that easily passed human-to-human and that an epidemic could easily become a pandemic. Given what has unfolded,**

Defendants' had a strong motive for concealing this information and letting the U.S. think everything was business as usual.

- **68)- Moreover, after essentially creating the pandemic problem, they insured hefty profits to buoy their GDP, by cornering the market for the supplies that would become vital in preventing its spread.**

Trump Signs China Trade Deal, Putting Economic Conflict on Pause, New York Times (Jan. 15, 2020), available at: <https://www.nytimes.com/2020/01/15/business/economy/china-trade-deal.html>

Respondents Defendant's Active Concealment of the Dangers of COVID-19

- **69)- After the first SARS epidemic in 2003, the PRC invested billions of dollars into an emergency reporting system known as the “Infectious Diseases and Public Health Emergencies Reporting System,” which is run by the Chinese Center for Disease Control.¹⁹ In China, it is also known as the Surveillance Reporting System, or “SRS.”**

- **70)- The SRS is a high-tech reporting and data system where healthcare providers are supposed to report any unusual medical conditions affecting three or more patients, so that a response can be developed within hours.**

- 71)- The SRS failed here, because the Wuhan doctors and hospitals were forbidden from entering the information, and the doctor-controlled Chinese CDC was overridden by the CCP controlled WHC.

- 72)- The first human infection from COVID-19/SARS-CoV-2 likely occurred in late 2019, but the exact date is still unknown. Some reports claim that the first case became known on November 17, 2019, or possibly earlier.

Chinese Center for Disease Control, “About Us – Public Health Surveillance and Information Services,”
<http://www.chinacdc.cn/en/> (last accessed May 2, 2020).

Dr. Wang Weiluo, What Really Happened in the Early Days of the Virus Breakout, at *2 (Apr. 28, 2020) (hereinafter “Dr. Wang Report”). Dr. Weilou is a Chinese born and educated scientist and researcher now based in Dortmund, Germany, and is well regarded by many Chinese for his extensive research into China’s handling of environmental issues and the Three Gorges Dam project. His report is currently being prepared for publication. Dr. Wang Report Id.

Coronavirus: China’s First Confirmed Covid-19 Case Traced Back to November 17, South China Morning Press (Mar. 13, 2020), available at:
<https://www.scmp.com/news/china/society/article/3074991/coronavirus-chinas-first-confirmed-covid-19-case-traced-back>

- 73)- The Lancet reported that the first patient contracted the virus on December 1, 2019, and had been associated with Huanan Seafood Market, and that man’s wife

began showing symptoms five days later, which indicated human-to-human transmission.

- **74)- Dr. Gao Fu, director of China's CDC, received his PhD from Oxford (and is a visiting professor there), has done post-doctoral work at Harvard, and has published over 450 scientific papers in international medical journals. According to Dr. Wang, frustration with the CCP led Dr. Fu to publish a report (co-authored by 52 other doctors and researchers) in the New England Journal of Medicine on January 29, 2020 that hid more true data about the outbreak and its early severity in plain sight. That data revealed infections in Wuhan the first week of December, but even that data demonstrates underreporting because of the coverup by the Wuhan Health Commission ("WHC").**

- **75)- According to a study in the *Chinese Medical Journal*, laboratory testing was already being conducted on patients with COVID-19 symptoms between December 18 and 29, 2019, with symptoms attributed to "[a] novel bat-borne [coronavirus] ... that is associated with severe and fatal respiratory disease in humans."**

***Clinical Features of Patients Infected with 2019 Novel Coronavirus In Wuhan, China*, The Lancet (Jan. 24, 2020), available at:**

[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30183-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30183-5/fulltext)

Dr. Wang Report at *6-*7. See also, *Early Transmission Dynamics in Wuhan, China, of Novel Coronavirus-Infected Pneumonia*, N. Eng. J. of Med. (Jan. 29, 2020), available at:

<https://www.nejm.org/doi/full/10.1056/nejmoa2001316>

***Identification of a Novel Coronavirus Causing Severe Pneumonia In Human: A Descriptive Study*,” Chinese Medical Journal (Feb. 21, 2020), available at:**

https://journals.lww.com/cmj/Fulltext/2020/05050/Identification_of_a_novel_coronavirus_causing.3.aspx

• 76)- According to Chinese sources cited in the *National Review*, on December 25, 2019, “Chinese medical staff in two hospitals in Wuhan [were] suspected of contracting viral pneumonia and [were] quarantined. Wuhan hospitals noticed an exponential rise in cases that could not be connected to the seafood market, all of which was additional strong evidence of human-to-human transmission. This was corroborated by the *Wall Street Journal*.

• 77)- On December 27, 2019, the Hubei Province Health Commission (“HHC”) and WHO directed the Wuhan CDC to investigate infected patients at Hubei Xinhua Hospital in Wuhan.

As a result, most of these patients were moved to Wuhan's Gold- Silver Pond Hospital, which only handles infectious disease, another indication of the knowledge of the ease of human-to-human transmission and the virus's dangers.

• 78)- According to the South China Morning Press, "On December 27, Zhang Jixian, a doctor from Hubei Provincial Hospital of Integrated Chinese and Western Medicine, told China's health authorities that the disease was caused by a new coronavirus. By that date, more than 180 people had been infected, though doctors might not have been aware of all of them at the time."

Devastating Lies*, National Review (Mar. 23, 2020), available at: <https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/> *Id.

***How It All Started: China's Early Coronavirus Missteps*, The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-all-started-chinas-early-coronavirus-missteps-11583508932> Dr. Wang Repor cited.**

***Coronavirus: China's First Confirmed Covid-19 Case Traced Back to November 17*, South China Morning Press (Mar. 13, 2020), available at: <https://www.scmp.com/news/china/society/article/3074991/coronavirus-chinas-first-confirmed-covid-19-case-traced-back>**

- **79)- A study of patients admitted through January 2 found that only 27 of 41 patients had a link to the Wuhan Seafood Market, indicating human-to-human transmission in December.**

- **80)- Thus, in December, Defendants knew that the virus was spreading easily human-to-human and that it was dangerous.**

- **81)- Dr. Ai Fen, director of the ER at Wuhan Central Hospital was an early whistleblower who has been silenced. The CCP has censored stories in China about her and she has reportedly now disappeared. Although sources differ on the exact timing of the sequence, she was noticing the strange symptoms in patients by mid-December, and by December 30, 2019, had received a test result back indicating SARS coronavirus. She circled the word SARS and sent a picture to colleagues to warn them, one of whom was Dr. Li Wenliang, a former classmate.**

- **82)- According to CNN, on December 30, 2019, Dr. Li, using the popular chat application WeChat, repeated this information to his medical school alumni group about patients**

at his hospital suffering from a SARS-like illness that may have originated from a coronavirus.

Clinical Features of Patients Infected with 2019 Novel Coronavirus In Wuhan, China, The Lancet (January 24, 2020), available at:
[https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30183-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30183-5/fulltext)

Coronavirus: Wuhan Doctor Speaks Out Against Authorities, The Guardian (Mar. 11, 2020), available at:
<https://www.theguardian.com/world/2020/mar/11/coronavirus-wuhan-doctor-ai-fen-speaks-out-against-authorities>

This Chinese Doctor Tried to Save Lives, But Was Silenced. Now He Has Coronavirus, CNN (Feb. 4, 2020), available at:
<https://www.cnn.com/2020/02/03/asia/coronavirus-doctor-whistle-blower-intl-hnk/index.html>

- 83)- In his messages, Dr. Li shared details of what would be named COVID-19, urging them to take precautions against the risk of human-to-human transmission.

- 84)- On December 30, 2019, WHO released a notice to medical institutions that patients visiting the Wuhan Seafood Market had contracted a pneumonia-like illness. The notice warned medical professionals: “Any organizations or individuals are not allowed to release treatment information to the public without authorization.” Dr. Wang has obtained copies of these notices. (Attached as Composite Exhibit A).
<https://www.who.int/csr/don/05-january-2020-pneumonia-of-unknown-cause-china/en/>

- **85)- Within hours of sending his warning to colleagues via WeChat on December 30, screenshots of Dr. Li Wenliang's message had been shared widely on social media, but government censors then took action to stop the circulation.**

- **86)- Later that night, at 1:30am on December 31, Dr. Li was summoned to WHO for questioning, and later that same day, Dr. Li was summoned by his hospital head, who demanded that he admit his wrongdoing.**

- **87)- By December 30, Dr. Gao had found out about the unreported infections in Wuhan and that they were not in the SRS. He summoned top CDC and NHC leaders to meet in Wuhan with the WHO and HHC on the morning of December 31, 2019. It was decided at this meeting that all information would be controlled by WHO. Thus, the multi-billion dollar SRS that could have alerted Wuhan's residents and the world, was put aside in favor of fear and silence, with a tightly controlled, but ineffective, internal reporting only system, controlled by CCP leaders.**

- **88)- Despite the previously-mentioned evidence to the contrary, on December 31, 2020, WHO declared, "[t]he medical**

staff investigation so far has not found any obvious human-to-human transmission and no infection.”

- **89)- On December 31, the YY online social network platform (one of China’s most popular social networks) listed 45 words as forbidden search terms including: “Unknown pneumonia in Wuhan”, “Wuhan seafood market”, “SARS”, “outbreak of SARS epidemic”, “WHO”, and “P4 Viral Lab.” That same day, researchers at the University of Toronto took notice of this and other censoring of key words about the virus on Chinese social media platforms.**

- **90)- Besides YY, another censored platform was WeChat, and as explained by the researchers, WeChat “has become increasingly popular among [Chinese] doctors who use it to obtain professional knowledge from peers. Because of social media’s integral role in Chinese society and its uptake by the Chinese medical community, systematic blocking of general communication on social media related to disease information and prevention risks substantially harming the ability of the public to share information that may be essential to their health and safety.”**

- **On January 1, Defendants censored eight doctors from speaking about the outbreak and its dangers. The Wuhan police stated that they had “taken legal measures” against eight people who “published and shared rumors online,” and one of them was Dr. Wenliang.**

- **91)- According to CNN, “The police announcement [against the eight people] was broadcast across the country on CCTV, China’s state broadcaster, making it clear how the Chinese government would treat such ‘rumormongers.’”**

- **The message reportedly said, “The internet is not a land beyond the law ... Any unlawful acts of fabricating, spreading rumors and disturbing the social order will be punished by police according to the law, with zero tolerance.”**

- **92)- As described by the St. Louis Post-Dispatch, “The punishment of eight doctors for ‘rumor-mongering,’ broadcast on national television on January 2, sent a chill through the city’s hospitals,” and suppressed information from reaching the rest of the world.**

- **93)- On January 1, 2020, “after several batches of genome sequence results had been returned to hospitals and submitted to health authorities, an employee of one genomics company received a phone call from an official at the HHC,**

ordering the company to stop testing samples from Wuhan related to the new disease and destroy all

See also, This Chinese Doctor Tried to Save Lives, But Was Silenced. Now He Has Coronavirus, CNN (Feb. 4, 2020) supra. Six Days Of Silence When China Didn't Warn Public of Likely Pandemic, The St. Louis Post Dispatch, (Apr. 16, 2020), available at: https://www.stltoday.com/news/six-days-of-silence-when-china-didnt-warn-public-of-likely-pandemic/article_ae11db70-6704-5b49-8040-78bf21579e07.html

The St. Louis Post Dispatch, (Apr. 16, 2020), available at: https://www.stltoday.com/news/national/your-daily-6-nurses-suspended-over-masks-cheaper-iphone-and-how-six-days-of-silence/collection_a2b87190-132f-5438-a36d-1c48c64be013.html

- **94)- Dr. Ai, as of January 1, 2020, ordered her staff to put on masks, suspecting the ease of human-to-human transmission.**

- **95)- But that night, “the hospital’s discipline department summoned her for a chat the next day. She was criticized for ‘spreading rumors,’ according to Dr. Ai. She tried to argue that the disease could be contagious. They said her action caused panic and ‘damaged the stability’ of Wuhan. The hospital’s leadership also banned staff from discussing the disease in public or via texts or images.”**

- **96)- On January 2, 2020, Dr. Shi Zhengli and her colleagues at the WIV completed the genome sequencing of the**

virus. Discovery of the genome sequence was not announced at the time.⁵³ The dean of the WIV reminded the staff of the WHC order that no one could disclose any of the information. (Composite Exhibit B).

<https://www.sciencemag.org/sites/default/files/Shi%20Zhengli%20Q%26A.pdf>

- **97)- On January 3, 2020, Dr. Li Wenliang was forced to confess to a misdemeanor, prepare a self-criticism, and agree not to commit any additional “unlawful acts.”**

- **The confession that Dr. Li was forced to sign demonstrates the lengths that *How Early Signs of The Coronavirus Were Spotted, Spread and Throttled In China*, The Strait Times (Feb. 28, 2020), available at: <https://www.straitstimes.com/asia/east-asia/how-early-signs-of-the-coronavirus-were-spotted-spread-and-throttled-in-china>**

- ***How It All Started: China’s Early Coronavirus Missteps*, The Wall Street Journal (Mar. 6, 2020), *supra*. See also, *As New Coronavirus Spread, China’s Old Habits Delayed Fight*, New York Times (Feb. 1, 2020), *supra*. *This Chinese Doctor Tried to Save Lives, But Was Silenced. Now He Has Coronavirus*, CNN (Feb. 4, 2020), *supra*.**

Respondents Defendants would go to intimidate and ensure silence about the truth. The confession stated that:

Your action has severely disrupted the order of society. Your action has breached the law, violating the relevant rules in the “Law of the People’s

Republic of China on Penalties for Administration of Public Security.” It is an illegal act!

...

We want you to calm down and reflect on your actions, as well as solemnly warn you: If you insist on your views, refuse to repent and continue the illegal activity, you will be punished by the law. Do you understand?

Answer: I understand. (Composite Exhibit C).

In other words, if you tell the truth about a dangerous epidemic that will easily pass human-to-human and cause the death of many, you will be severely punished.

- **98)- The directors of the Central Hospital of Wuhan, where both Dr. Li Wenliang and Dr. Ai Fen worked, urgently called a meeting that evening for all departmental directors and stressed that they should follow the WHO rules of silence and not leak out any information.**

- **99)- On January 3, 2020, “China’s National Health Commission (NHC), the nation’s top health authority, ordered institutions not to publish any information related to the unknown disease, and ordered labs to transfer any samples they had to designated testing institutions, or to destroy them.”⁵⁸ The NHC notice categorized viral samples as “Class 2 of Highly Pathogenic Microorganisms.” Again, Defendants knew how dangerous the virus was and destroyed test results, suppressed all public information, and lied in the information they did provide to the outside world**

Before Dr. Li's untimely death from coronavirus, he posted the confession on his social media account at Weibo.

Dr. Wang Report. *How Early Signs of The Coronavirus Were Spotted, Spread and Throttled In China*, The Strait Times (Feb. 28, 2020), *supra*.

Dr. Wang Report.

- **100)- The *National Review*, quoting Chinese sources, stated that on January 3, the “Wuhan Municipal Health Commission released another statement, repeating, ‘As of now, preliminary investigations have shown no clear evidence of human-to-human transmission and no medical staff infections.’”**

- **101)- The World Health Organization (“WHO”) had been informed (too late) of events in Wuhan on December 31, with the organization saying that “the WHO China Country Office was informed of cases of pneumonia unknown etiology (unknown cause) detected in Wuhan City, Hubei Province of China.”**

- **102)- On information and belief, part of the PRC's and CCP's coverup involved misleading the WHO, an international organization under the United Nations whose objective is “the attainment by all peoples of the highest possible level of health,” according to its Constitution.**

- **103)- On information and belief, the PRC and CCP delayed reporting COVID-19 to the WHO for weeks after the outbreak was identified in the Chinese medical community.**

- **104)- Under Article 6.1 of the International Health Regulations, China had a duty to report “all events which may constitute a public health emergency of international concern within its territory” within 24 hours.**

***Devastating Lies*, National Review (Mar. 23, 2020), *supra*.
61 *Novel Coronavirus (2019-nCoV) SITUATION REPORT – 1*,
World Health Organization (Jan. 21, 2020), available at:
<https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200121-sitrep-1-2019-ncov.pdf>**

**World Health Organization Constitution, Article I, available at:
<https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf>**

- **105)- When China did inform the WHO of the disease, Chinese authorities denied human-to-human transmission, despite having significant evidence to the contrary. On information and belief, Defendants’ denial induced the WHO to also deny or downplay the risk of human-to-human transmission in the critical weeks while the virus was first spreading.**

- **106)- According to the *Wall Street Journal*, on January 5, “a medical research center in Shanghai notified the National Health Commission that one of its professors had also identified a SARS-like coronavirus and mapped the entire genome using a sample from Wuhan.”**

- 107)- Like the genome discovery by WIV on January 2, the January 5 genome mapping was kept secret.

- 108)- On January 5, 2020, relying on information from Chinese officials, WHO released a statement saying, “Based on the preliminary information from the Chinese investigation team, no evidence of significant human-to-human transmission and no health care worker infections have been reported.”

- 109)- On January 6, the United States Centers for Disease Control offered to send a research team to assist Defendants, but Defendants did not extend permission to enter the country.

How It All Started: China’s Early Coronavirus Missteps, The Wall Street Journal (Mar. 6, 2020), *supra*.

Pneumonia of Unknown Cause – China, WHO Disease Outbreak News (Jan. 5, 2020) (emphasis supplied), available at: <https://www.who.int/csr/don/05-january-2020-pneumonia-of-unknown-cause-china/en/>

Exclusive: U.S. Axed CDC Expert Job In China Months Before Virus Outbreak, Reuters (Mar. 22, 2020), available at: <https://www.reuters.com/article/us-health-coronavirus-variants-insight-idUKKBN2AV1T1>

- **110)- On January 8, 2020, WHO, relying on information from Chinese officials, said, “WHO does not recommend any specific measures for travelers. WHO advises against the application of any travel or trade restrictions on China based on the information currently available.”**

- **111)- Various sources theorize that WHO was also silent (or proverbially stuck its head in the sand) because China exercises so much control over its governance and funding.**

- **112)- Chinese authorities, including the PRC and CCP, did not publicly confirm the outbreak as originating from a novel coronavirus until January 9, 2020, despite having a mapping of its genome and other details showing that it was a new virus.**

- **113)- On January 10, the New York Times attributed to WHC a statement that “[t]here is no evidence that the virus can be spread between humans.”**

- **114)- According to the National Review, citing Chinese sources, on January 11, WHO issued a statement saying, “All 739 close contacts, including 419 medical staff, have undergone medical observation and no related cases have been found . . . No new cases have been detected since January 3, 2020. At**

present, no medical staff infections have been found, and no clear evidence of human-to-human transmission has been found.” <https://www.reuters.com/article/us-health-coronavirus-china-cdc-exclusiv/exclusive-u-s-axed-cdc-expert-job-in-china-months-before-virus-outbreak-idUSKBN21910S>

WHO Statement Regarding Cluster of Pneumonia Cases In Wuhan, China, WHO (Jan. 9, 2020), available at: <https://www.who.int/china/news/detail/09-01-2020-who-statement-regarding-cluster-of-pneumonia-cases-in-wuhan-china>

How It All Started: China’s Early Coronavirus Missteps, The Wall Street Journal (Mar. 6, 2020), supra.
China Reports First Death From New Virus, New York Times (Jan. 10, 2010), available at: <https://www.nytimes.com/2020/01/10/world/asia/china-virus-wuhan-death.html>

Devastating Lies, National Review (Mar. 23, 2020), supra.

This statement directly contradicted then-existing evidence.

- **115)- Chinese authorities, including the PRC and CCP, did not share the genome sequence which the Wall Street Journal described as a “critical step[] toward containing the epidemic and designing a vaccine” with the international community until January 12.**
- **The first case outside of China was reported in Thailand on January 13.**

- **116)- Following the Thai case, the PRC and CCP still did not tell the public about the new evidence directly confirming human-to-human transmission.**

- **117)- For instance, PRC and CCP officials continued denying human-to-human transmission and failed to inform the public, despite overwhelming evidence of the virus's contagiousness.**

- **118)- According to the National Review, citing Chinese sources, on January 14, WHO issued another statement saying, “Among the close contacts, no related cases were found.”**

- **119)- According to the Wall Street Journal, when President and General Secretary Xi Jinping, leader of the PRC and CCP, made “his first public statement on the crisis on January 20, he made no explicit mention of human- to-human transmission.”**

- **By the time President Xi made his statement, millions of travelers passed**

How It All Started: China's Early Coronavirus Missteps, The Wall Street Journal (Mar. 6, 2020), supra.

Six Days of Silence When China Didn't Warn Public of Likely Pandemic, The St. Louis Post Dispatch, (Apr. 16, 2020), supra.

Devastating Lies, National Review (Mar. 23, 2020), supra.

How It All Started: China's Early Coronavirus Missteps, The Wall Street Journal (Mar. 6, 2020), supra.

Through Wuhan, and “more than 3,000 people had been infected during almost a week of public silence, according to internal

documents obtained by The Associated Press and expert estimates based on retrospective infection data.”

- **120)- WHO continued publicly to deny human-to-human transmission until January 20, at which point Chinese authorities finally confirmed for the first time that human-to-human transmission was occurring.**

- **121)- On January 20 and 21, 2020, the WHO was able to conduct a mission on the ground in China and said afterward, “Data collected through detailed epidemiological investigation and through the deployment of the new test kit nationally suggests that human-to-human transmission is taking place in Wuhan. More analysis of the epidemiological data is needed to understand the full extent of human-to-human transmission.”**

- **122)- On January 23, 2020, China began its first steps towards quarantining Wuhan residents.**

- **123)- Weeks after the lockdown slowed cases in Wuhan, China continued to mislead the world about its knowledge of the nature of the virus, and on April 17, 2020, it upwardly revised the death toll in Wuhan by more than a thousand cases, attributing the**

Six Days of Silence When China Didn't Warn Public of Likely Pandemic, The St. Louis Post Dispatch, (Apr. 16, 2020), *supra*.
78 *Id.*

79 ***China confirms human-to-human transmission of coronavirus***, The Guardian (January 20, 2020), available at: <https://www.theguardian.com/world/2020/jan/20/coronavirus-spreads-to-beijing-as-china-confirms-new-cases>

Mission summary: WHO Field Visit to Wuhan, China 20-21 January 2020, WHO (Jan. 22, 2020), available at: <https://www.who.int/china/news/detail/22-01-2020-field-visit-wuhan-china-jan-2020>

- 124)- It is widely believed that even with the adjustment, Defendants are still woefully underreporting the actual number of cases and deaths in Wuhan, especially in December 2019 and early January 2020, as well as other key statistics of COVID-19.

- 125)- Chinese citizen journalists, who posted videos from Wuhan of overcrowded hospitals and other scenes from the COVID-19 pandemic, have gone missing in recent weeks.

- 126)- China has launched a “massive public relations campaign to avoid blame for the COVID-19 pandemic” and has spread conspiracy theories that the U.S. military had spread the virus.

The PRC and CCP Failed to Contain the Virus, Helped It Spread, and Created an Economic and Political Opportunity for Themselves While the World Suffers.

- 128)- According to data gathered by the *New York Times*, approximately 175,000 individuals left Wuhan on January 1 alone to travel for the Lunar New Year.

As stated by the New York Times, because of the Lunar New Year travel, “[t]he timing of the outbreak could not have been worse.”

China Raises Wuhan Death Stats By Half To Account For Reporting Delays And Omissions, National Public Radio (Apr. 17, 2020), available at: <https://www.npr.org/sections/coronavirus-live-updates/2020/04/17/836700806/china-raises-wuhan-death-stats-by-half-to-account-for-reporting-delays-and-omiss>

Wuhan Whistleblowers Missing Months After Helping Expose Coronavirus Outbreak, Activists Say, Fox News (Apr. 15, 2020), available at: <https://www.foxnews.com/world/wuhan-whistleblowers-missing-exposing-coronavirus>

Guest on Chinese-produced Arabic-language program claimed US may be to blame for coronavirus pandemic, Fox News (Apr. 19, 2020), available at: <https://www.foxnews.com/world/chinese-arabic-language-program-us-coronavirus-pandemic>

How the Virus Got Out, New York Times (Mar. 22, 2020), available at: <https://www.nytimes.com/interactive/2020/03/22/world/coronavirus-spread.html>

- 129)- According to the *Wall Street Journal*, China “went ahead with New Year celebrations despite the risk of wider infections” and let “some five million people leave Wuhan

without screening.”⁸⁶ Many of these travelers went not only to other parts of China, but spread out across the globe. Flights from Wuhan fly direct to over 21 international destinations including U.S. cities such as New York, San Francisco, and Los Angeles.

- **130)- The Chinese CDC knew of the epidemic in Wuhan by New Year’s Eve, but the WHC was controlling all information, and 200,000 Wuhan residents and tourists were allowed to gather for the Yangtze River Light Show that evening. The Yangtze flows through the center of Wuhan.**

- **131)- An annual Lunar Year Potluck Banquet was allowed to proceed in a Wuhan neighborhood on January 18, attracting 40,000 families.**

- **132)- Wuhan’s mayor later told Chinese Television that he and his government could not do or say more about the epidemic until he was authorized by the State Council (CCP) after January 20, many weeks after he knew there was a dangerous problem in his city.**

- **133)- On January 20, a government linked doctor dispatched by Beijing to Wuhan finally admitted human-to-human transmission and that medical workers were becoming sick. It was then announced that Wuhan would shut down on**

the morning of January 23, creating a mass exodus out of Wuhan of surely infected people.

- **134)- The PRC and CCP allowed these massive public gatherings and the massive exodus from Wuhan despite knowing the risks of COVID-19, including the risk of human-to-human transmission, and the virus's dangerous propensities.**

- **135)- The PRC and CCP failed to warn the world of the dangers when it had a very early opportunity to do so.**

- **136)- Indeed, a research study has found that if the PRC and CCP had acted two weeks earlier, 66% of cases could have been prevented, and if it had acted three weeks earlier — a time frame where the CCP took control of the information on the emerging problem from China CDC and silenced everyone — *95% of infections could have been prevented.***

- **137)- But the PRC and CCP did not act, except in their own economic self- interest to monopolize, hoard, and corner the market on PPE.**

The Bolivia, Cuba and U.S. Experience with COVID-19

- **138)- The number of cases and deaths continues to rise around the world and particularly in the Republic of Bolivia, the Republic of Cuba and in the United States. Millions of Americans are now jobless, and businesses are suffering tremendous economic impacts, as is the U.S. economy.**

- **139)- The exponential rise in cases, along with the virus and deaths touching the rich, famous, and poor alike, demonstrates that COVID-19 spreads easily and rapidly.**

- **140)- Those who become symptomatic feel cold and flu like symptoms, and too many of these symptomatic cases rapidly turn into serious cases of respiratory distress, requiring emergency care and respirators.**

- **141)- Co-morbidities, such as advanced age, hypertension, obesity, diabetes, and immune disorders, increase the risk of serious infection and death. Florida is especially susceptible due to its substantial elderly population.**

- **142)- The nation's hospitals in places like New York, have been overwhelmed, and with a second wave of infections, hospitals in Florida, Texas, Arizona, California, and many other**

locales reaching capacity and will be unable to provide proper care to all patients who need it. Morgues and funeral homes have often run out of room for the deceased. In April, New York City had to resort to temporary mass graves to keep up. *The*

Route of Transmission - Aerosols

- **143)- As the pandemic has progressed, it has become more and more apparent that the greatest danger of infection is likely airborne, or “aerosols,” coming from respiratory droplets expelled by people breathing, talking, singing, exercising, or yelling. How far these droplets travel, how large they are when infectious, and how long they linger in the air is a source of some debate — but there is little doubt it can be contracted from contact with the respiratory droplets.**

- **144)- On July 4, 2020, the New York Times reported that 239 scientists from 32 countries wrote an open letter to the WHO expressing their concern that infection was possible from smaller droplets, that hang in the air longer, and that can travel much, much farther than six feet when expelled by a cough or sneeze. Although the WHO continues to concentrate**

on surfaces, hand-washing, and an aerosol risk when a person is within approximately 3 to 6 feet of someone who is experiencing respiratory symptoms (e.g., coughing or sneezing), under either view, masks, face shields, and other PPE are now recognized as a front-line defense against the virus.

- **145)- Airborne transmission is exacerbated in a medical environment, because treating the more serious symptoms of COVID-19 involves procedures which more easily generate aerosols, such as: endotracheal intubation; bronchoscopy; open suctioning; administration of nebulized treatment; manual ventilation before intubation; turning an infected patient to the prone position; disconnecting an infected patient from the ventilator; non-invasive positive-pressure ventilation; tracheostomy; and cardiopulmonary resuscitation.**

The Front-Line Medical Providers at Serious Risk

- **146)- Compounding these issues is the fact that there have been and continue to be shortages of PPE for the front-line doctors, nurses, medical technicians, paramedics, and EMTs**

(collectively “medical providers”) who must risk their lives, and their families’ lives, to treat the high number of serious COVID-19 cases that are overtaxing the nation’s medical infrastructure. When PPE is available, it is at highly inflated prices over market rates before the pandemic.

- **147)- PPE consists of medical grade face masks (such as the N95 mask), face and eye shields, and other protective garments and accessories that prevent the respiratory droplets or aerosolized virus from reaching the eyes, nose and mouths of the medical providers.**

- **148)- The stories are legion in the media that medical providers are having to improvise PPE and re-use PPE that is meant for one time or limited use, or to simply go without proper gear.**

- **149)- Medical providers are being forced to self-quarantine from their families, either staying away from their homes, or in some cases, sleeping alone in tents or in their vehicles, to keep their families safe.**

- **150)- Medical providers are already being overworked by the virus response, and many must also suffer the stress and loss of support from those closest to them, while their spouses and children are also denied their loved ones.**

- **151)- For the purposes of this Complaint, medical providers are those providing in-person healthcare services in hospitals and other care settings (including medical offices and improvised hospital settings), and includes paramedics and emergency medical technicians (EMTs). The term “doctors” includes, but is not limited to, surgeons, physicians, residents, and attending physicians, as well as interns in teaching hospitals. The term “nurses” includes, but is not limited to, registered nurses, licensed practical nurses, and certified nursing assistants. The term “medical technicians” includes, but is not limited to, respiratory and similar therapists, radiology technicians, surgical technicians, EKG technicians, and patient care technicians — essentially those who assist other professionals in hospital settings.**

Apoorva Mandavilli, *239 Experts With One Big Claim: The Coronavirus Is Airborne*, New York Times (July 4, 2020),

available at: <https://www.nytimes.com/2020/07/04/health/239-experts-with-one-big-claim-the-coronavirus-is-airborne.html>

China's Deliberate Hoarding and Monopoly of PPE Is Causing Direct Harm to Medical Providers

- 152)- On April 3, 2020, the New York Times reported about China's concerted and deliberate efforts to both buy up as much of the world's inventory of PPE and respirators, but also to prevent its factories from exporting PPE, just as when they found out about the dangers, and failed to tell the rest of the world.

- 153)- That article, and others, have included statements to U.S. officials from executives at U.S. manufacturers 3M and Honeywell — who manufacture in China —that China began blocking their exports of N95 respirators, booties, gloves and other PPE and medical supplies produced by their factories in China, starting in early January. Indeed, China stopped all exports of PPE from its factories at the beginning of the pandemic, further creating an artificial scarcity.

• 154)- At the same time, U.S. and administration officials report, based on data from China's own customs agency, that China began "cornering the market" on PPE, importing 2.46 billion pieces of "epidemic prevention and control materials" between January 24th and February 29th. The items included more than 2 billion masks and more than 25 million "protective clothing" items, that came from countries in the European Union, Australia, Brazil and Cambodia. China hid this activity by refusing to make their trade logs public for months.

• 155)- On May 1, 2020, NBC News reported on the findings of the the intelligence arm of the Department of Homeland Security:

"We assess the Chinese Government intentionally concealed the severity of COVID-19 from the International community in early January while it stockpiled medical supplies by both increasing imports and decreasing exports," the May 1 DHS report states.

"We further assess the Chinese government attempted to hide its actions by denying there were export restrictions and obfuscating and delaying

provision of its trade data," said the four-page analysis.

- **156)- A big part of this effort was enlisting employees at Chinese owned businesses in other countries, including the United States, to scour stores and suppliers in their area for masks (especially N-95) and other PPE, and ship it back to China.**

Keith Bradsher and Liz Alderman: *The World Needs Masks. China Makes Them, But Has Been Hoarding Them*, New York Times (April 3, 2020), <https://www.nytimes.com/2020/03/13/opinion/china-response-china.html>

- **157)- China effectively created a PPE army to ensure that the rest of the world would be beholden to them for the supplies necessary to combat the virus they unleashed on the world. They have done this for commercial and political gain.**

- **158)- In Canada, the CCP's United Front Work Department affiliates and agents "bought and shipped at least 100 tonnes of pandemic supplies to China," starting in the beginning of January.**

- **159)- The United Front works through Chinese consulates around the world and began implementing the**

ground level plan to use its ex-pats and sympathizers to hoard before China told the truth about the virus.

- **160)- Greenland Group, a multi-billion dollar property management firm based in China, that develops properties around the world (including two huge developments in downtown Los Angeles and in Brooklyn) told employees at its offices around the world to hoard PPE before the truth of the pandemic was known.**

- **161)- In January, employees in the Sydney, Australia office were told to stop their normal work and to go and buy up PPE, and its boardrooms quickly filled with tons of medical supplies being repackaged for export back to China. This was all at the direction of the CCP and/or the PRC.**

- **162)- All Chinese citizens and companies, whether independent, government controlled or “private,” must always answer, above all else, to the CCP and the good of the Chinese state. This is known as the Military-Civil Fusion (MCF) and represents a “duty that transcends their personal and civilian identities.”¹⁰⁰ The existence of the MCF means that Chinese citizens and ex-pats, no matter what, will put China first, or**

face breaking one of the PRC's most supreme laws and the CCP's dictates.

- **163)- These dynamics played out in the United States, as PetroChina's US corporation was one of the enlisted entities.¹⁰¹ "PetroChina's status as a government- owned entity means all workers are employees of the state and, as such, are expected to play active role in the process, one person said." Employees were sent rushing to pharmacies and stores such as Home Depot and Lowe's to find masks, particularly N- 95s. Home Depots in Houston, where PetroChina's U.S. corporation is headquartered, reported running out of masks by noon every day. Bloomberg News saw a copy of the memo sent to PetroChina with the instructions to buy as many masks as possible for export back to China.**

- **164)- Upon information and belief, the CCP and/or the PRC repeated this conduct through other ex-pat agents and China-supported entities throughout the U.S.**

- **165)- Thus, just as the world was beginning to see the danger of the coming pandemic, China — which already knew it had actively concealed the dangers of the virus from the world — was already hoarding the world’s supply of PPE, including gloves, goggles, and masks, through massive increased purchases through official channels and through this army of ex-pat hoarders.**

Abigail Williams, et al., *DHS Report: China Hid Coronavirus’ Severity in Order to Hoard Medical Supplies*, NBC News (May 4, 2020), available at: <https://www.nbcnews.com/politics/national-security/dhs-report-china-hid-coronavirus-severity-order-hoard-medical-supplies-n1199221>

Alan Boyd, *China’s Wild and Woolly Medical Equipment Heist*, Asia Times (Apr. 6, 2020), available at: <https://asiatimes.com/2020/04/478656/>

Lorrie Goldstein, *China Secretly Hoarded Global Pandemic Supplies, According to Report*, Toronto Sun (May 1, 2020), available at: <https://torontosun.com/opinion/columnists/goldstein-china-secretly-hoarded-global-pandemic-supplies-according-to-report>

Alison Bevege, *“I won’t stay silent:” Whistleblower Reveals . . .*, Daily Mail (Apr. 5, 2020), available at: <https://www.dailymail.co.uk/news/article-8189273/Whistleblower-saw-TONNES-facemasks-packed-China-deadly-bug-took-hold.html>

F. Scott Kieff, *Business, Risk, & China's MCF: Modest Tools of Financial Regulation for a Time of Great Power Competition*, Geo. Wash. L. Rev. (Vol. 88 to be published Dec. 2020), available at:

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3615846

Lucia Kassai, *Expat Chinese Workers Scouring Foreign Pharmacies for Masks*, Bloomberg News (Feb. 7, 2020), available at: <https://www.bloomberg.com/news/articles/2020-02-07/china-implores-employees-and-clients-to-scour-world-for-masks>

- **166)- Furthermore, the PRC and CCP already dominated the market for PPE, creating “a stranglehold over supplies, masks, gowns, test kits and other front-line weapons for battling the coronavirus ”¹⁰³ Even before the pandemic, China exported more of this equipment than the rest of the world combined. It can make 15 times more of the specialized fabric for surgical and N95 masks than the U.S. It exported 70.6 billion masks from March through May 2020, where the entire world produced 20 billion last year, and China still accounted for the majority. China has made it a deliberate and calculated effort to control the mask and medical supply market, and to further their monopoly. They have made it a matter of published**

policy to foster their homegrown dominance in the mask and PPE market, through the use of subsidies and other advantages for domestic manufacturers.

- **167)- Entities who want to compete with China find that the machines required to compress and cut the special surgical mask fabric can only be sourced from China, as one entrepreneur in Los Angeles found out recently.¹⁰⁵ When that same entrepreneur also tried to make hand sanitizer, he discovered that the only source of plastic bottles with pump handles was in China, which he has to import on expensive chartered aircraft.**

102 See *id.* (for the entire paragraph).

103 Keith Bradsher, *China Dominates Medical Supplies, in This Outbreak and the Next*, New York Times (July 5, 2020), available at:

<https://www.nytimes.com/2020/07/05/business/china-medical-supplies.html>

- **168)- This effective control and monopoly of the market means they can now charge artificially higher prices for the PPE that is so desperately needed, because of a pandemic they created. This barbaric posture is best summed up by a report**

by Barnini Chakraborty on April 7, 2020, of Fox News, and picked up by media outlets around the world that China actually made utterly devastated Italy *pay for masks it had donated to China for the Wuhan response* before the pandemic hit Europe.

- 169)_ Even where China does not economically gain, the CCP and the PRC used the pandemic and their stranglehold on the mask market to curry political favor around the world as they try to unseat the United States as the leading super-power, by pretending to provide the supplies in hard-hit countries that would have not needed the aid, had they not cornered the market. See: <https://www.foxnews.com/world/china-italy-coronavirus-supplies-buy-back> See, e.g., Brian Wong, *China's Mask Diplomacy*, *The Diplomat* (Mar. 25, 2020), available at: <https://thediplomat.com/2020/03/chinas-mask-diplomacy/>

- 170)- The conduct of PetroChina in hoarding PPE in the U.S. directly impacted interstate commerce and the national market for masks and other PPE, including in Florida, such that

PetroChina is liable for the tort claims contained herein. PetroChina also aided and abetted the tortious acts of the PRC and the CCP. Moreover, PetroChina's conduct here, in concert and conspiracy with the CCP and PRC, contributed to China's unreasonable restraint of trade and monopolization in the mask and PPE market, in violation of Sections 1 and 2 of the Sherman Act. 15 U.S.C. §§ 1, 2.

- **171)- The deliberate and egregious acts, or at least negligent acts, of Defendants have caused the deaths, infections, and other physical and emotional harms of medical providers within the United State and Florida, including Named Plaintiffs and class members, who have lacked proper and adequate PPE due to Defendants' conduct.**

- **172)- Any condition precedent to the filing of this lawsuit has been satisfied, met, and/or waived.**

CLASS ACTION ALLEGATIONS

- **173)- The Named Petitioners Plaintiffs assert Representative International classes actions pursuant to Rules of this Commission Article 22, on behalf of themselves and those**

similarly situated, against the Respondents Defendants for whom they have standing. The Named Petitioners Plaintiffs define the Representative International Class action as follows:

All medical providers, as defined herein, in the Republic of Bolivia, the Republic of Cuba and the United States whom have been unable to procure proper or adequate PPE, treated COVID-19 infected patients, and suffered injury, damage, and loss as a result.

All medical providers, as defined herein, in the cited States who have been unable to procure proper or adequate PPE, treated COVID-19 infected patients, and suffered injury, damage, and loss as a result.

All natural citizens, women, men and children of the Republic of Bolivia, the Republic of Cuba, and the United States who have been victims of this COVID 19 Pandemic, some have suffered loss of families due to death due to this Pandemic, loss of health due to this Pandemic, they have lost their livelihoods, livelihoods due to this Pandemic, they have lost their businesses due to this Pandemic COVID 19.

- **174)- Excluded from the Representative Intenational Classes are the following: (1) the Defendants, and any parent, subsidiary or affiliate organizations, and the officers, directors, agents, servants, or employees of same, and the members of the immediate family of any such person; (2) all persons who**

timely opt out of this proceeding; (3) all persons who have given valid releases releasing Defendants from the claims asserted in this Complaint; (4) all persons who, prior to the filing of this Complaint, have filed a non-class action claim against the Defendants (or any of them) for the claims asserted in this Complaint; and (5) the judge(s) to whom this case is assigned, their employees and clerks, and immediate family members.

- 175)- The Classes are sufficiently numerous such that the joinder of all members of the Classes in a single action is impracticable. According to recent statistics, there are approximately 2.2 million nurses working in hospital and medical settings, nearly a million licensed physicians, over 350,000 paramedics and EMTs, and over 250,000 medical technicians working in the United States. A substantial number of these persons, if not a majority, have been or will in the immediate future be affected by Defendants' wrongful conduct.**

- 176)- According to recent statistics, there are approximately in the Republic of Bolivia today has 11,930**

deaths with 258,000 active disease cases and 209,000 recovery cases.

- **177)_ The Republic of Cuba today has 369 deceased persons, 59,919 active disease cases and 57,852 recovery cases.**

- **178)- According to recent statistics, there are aproximatelly in Republic of Mexico today has 194000 deaths with 2.16 active disease cases and 1.7 million recovery cases.**

Location	Cases	Recovered	Deaths
Mexico City	584,000 +2,292	-	29,047 +177
State of Mexico	225,000 +596	-	30,110 +93
Guanajuato	123,000 +458	-	9,529 +48
Nuevo Leon	118,000 +138	-	8,711 +15
Jalisco	80,609 +240	-	10,955

- **179)- The United States today has 532 thousand deaths, 29.4 million active disease cases and an unconfirmed number of thousands recovered.**

- **180)- There are numerous common questions of law and fact that predominate over any questions affecting only individual members of the Class and/or Subclass. Among these common questions of law and fact are the following:**

- **Whether Respondents Defendants' tortious conduct was intentional, negligent, and/or reckless;**
- **Whether Respondents Defendants' conduct, as described herein, constituted a commercial activity outside the U.S. that had a direct effect within the U.S.;**
- **Whether Respondents Defendants' conduct was clearly contrary to the precepts of humanity;**
- **Whether Respondents Defendants' conduct violated established laws within the PRC;**
- **Whether Respondents Defendants failed to warn of an imminent danger they knew or should have known about;**
- **Whether Respondents Defendants prevented their domestic PPE manufacturing facilities, including those owned by U.S. corporations, from exporting PPE; and**

- **Whether Respondents Defendants purchased much of the world's inventory of PPE in order to "corner the market," just as the severity of the pandemic was becoming known.**
- **Whether Respondents Defendants PetroChina's conduct aided and abetted the CCP and the PRC in their tortious conduct.**
- **Whether Respondents Defendants' conduct amounted to violations of Sherman Act.**
- **Whether Respondents PetroChina conspired with the CCP and PRC in violation of the Sherman Act.**
- **Whether Respondents Defendants National Health Commission of the People's Republic of China, the Wuhan Health Commission, the Hubei Health Commission, the People's Government of Hubei Province, the People's Government of City of Wuhan, China, and Wuhan Institute of Virology, China Academy of Sciences conduct aided and abetted the CCP and the PRC in their tortious conduct.**

- **181)- The claims of the Named Petitioners Plaintiffs are**

typical of the claims of each member of the Classes and Sub-

Classes in that, among other issues:

- **the Named Petitioners Plaintiffs' claims arise from the same course of conduct of Respondents Defendants giving rise to the claims of other class members;**

- **the claims of the Named Petitioners Plaintiffs and each member of the Class are based upon the same legal theories;**
- **the Named Petitioners Plaintiffs and each member of the Classes have an interest in prevailing on the same legal claims;**
- **the types of damages and violations of human rights incurred by the Named Petitioners Plaintiffs are similar to those incurred by the other class members;**
- **the defenses asserted by Respondents Defendants will be very similar, if not identical, as to all Named Petitioners Plaintiffs and class members.**

• **182)- Named Petitioners Plaintiffs are adequate representatives of the Classes in which they participate because, together with their counsel, each will fairly and adequately protect the interests of Classes. Named Petitioners Plaintiffs and all class members have a similar, if not identical interest in obtaining the relief sought. Proof of the claims of the Named Petitioners Plaintiffs will also prove the claims of the Classes. Named Petitioners Plaintiffs are not subject to any unique defenses. Named Petitioners Plaintiffs have no known conflict with the Class or Subclass and are committed to the vigorous prosecution of this action.**

- **183)- The undersigned counsel are competent counsels experienced in human rights class action claims, mass torts, and complex litigation involving such widespread harm. Counsels will fairly and adequately protect the interests of the Classes.**

- **184)- The various claims asserted in this action are certifiable under the provisions of jurisdiction on the merits of this case pursuant to the procedure established in Articles 48 and 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission. Rules of Procedure of the IACHR: Article 25. And Precautionary Measures. Article XIV of the Inter-American Convention on Forced Disappearance of Persons. Article 28.**

- **185)- Above cited Rules and Procedure of the IACHR because prosecuting separate actions by or against individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members that would establish incompatible standards of conduct for the**

party opposing the Classes; or adjudications with respect to individual class members that, as a practical matter, would be dispositive of the interests of the other class members who are not parties to the individual adjudications, or would substantially impair or impede their ability to protect their interests.

- **Petitioners Plaintiffs' legal claims are properly certified pursuant to above cited Rules in that:**

(1) a representative class action is superior in this case to other methods of dispute resolution; (2) the class members have an interest in class adjudication rather than individual adjudication because of their overlapping human rights; (3) it is highly desirable to concentrate the resolution of these claims in this single forum because it would be difficult and highly unlikely that the affected class members would protect their human rights on their own without this class action case; (4) the disparity between the resources of Respondents Defendants and class members would make prosecution of individual actions a financial hardship on class members; (5) the prosecution of separate actions by individual class members, or

the individual joinder of all class members is impractical and would create a massive and unnecessary burden on the Commission Court's resources; and (6) Management of the class will be efficient and far superior to the management of individual claims. Moreover, currently, the undersigned counsels are unaware of any other pending claim regarding this controversy with respect to the claims asserted here.

- **186)- The issues particularly common to the class members' claims, some of which are identified above, are alternatively certifiable pursuant to Articles 22 and 48 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the AOS Commission. Rules of Procedure as resolution of these issues would materially advance the claim litigation, and class resolution of these issues is superior to repeated claim litigation of these issues in separate trials.**

- **187)- Named Petitioners Plaintiffs have retained the assistance of these counsels to represent them in this claim petition, and are obligated to pay said counsel reasonable fees.**

COUNT I – NEGLIGENCE DECEIT MISREPRESENTATION

(Against Each Defendant)

- **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:**

- **188)- Respondents Defendants had a duty to medical providers, to the general public residents of the Republic of Bolivia, the Republic of Cuba and the United States as defined herein, including anonymous named Petitioners Plaintiffs and class members, to not act negligently in their restriction of exports of PPE produced in China and in their procurement of the world's inventory of PPE, during the time they knew of the dangers of the Coronavirus, and the risk of a worldwide and deadly pandemic, such that their actions were unreasonable and caused unnecessary harm.**

- **189)- Stated another way, Respondents Defendants' conduct with regard to the worldwide and Chinese domestic supplies of PPE created a foreseeable zone of risk that poses/posed a general threat of harm to others, including**

Named Plaintiffs and class members, such that a common-law legal duty arises to ensure the Defendants' conduct is/was carried out reasonably.

- **190)- Manageable and preventable, contrary to Respondents Defendants repeatedly claiming that the virus had a limited ability to transmit between humans, on January 20, the Chinese National Health Commission announced that human-to-human transmission of the coronavirus had already occurred. Also on January 20, the number of reported new cases soared to 136 as the major mainland cities including Beijin and Shenzhen reported their first cases. Only the Wuhan authorities stopped claiming that the virus had a limited ability to transmit between humans. On the same day, the city formed specialized command for epidemic control (CEC) to upgrade measures to cope with the epidemic including enhanced protection over the medical workers and free treatment for all patients at fever clinics. On the evening of that day, Zhon Nanshan, one of the NHC experts sent to Wuhan who was well known for fighting against SARS in 2003, exemplified human-to-**

human transmission of the new virus with a cluster of 14 hospital-acquired infections in Wuhan and two familial clusters in Guangdong. However, NHC still insisted that the epidemic should be "manageable and preventable." At that time, BBC said that not much public attention was drawn to the virus outbreak. On January 19, despite the virus outbreak, over 40,000 Wuhan families joined an annual potluck banquet which was a community tradition observed for over two decades to celebrate the Kitchen God Festival. A community leader told the Beijing News that "everything is normal now," when asked about the virus outbreak. According to the community committee of Baibuting where the banquet was held as of February 4, a block of the community had at least 10 confirmed cases of the coronavirus infection, plus over 30 highly suspicious case but the community hospital also said that the incidents of the coronavirus was lower than that in the other communities. Zhou Xianwang, the mayor of Wuhan who was widely criticized by the public and media due to slow responses said to the state media CCTV that the banquet was organized

by the local community which had a long history of self-governance. He said that the government was not precautionous enough to stop it because it was believed that the virus only had a limited ability to transmit between people.

- **191)- Moreover, Respondents Defendants themselves created the foreseeable zone of risk by their hoarding conduct, and it was unreasonable.**

- **192)- Respondents Defendants' duty here is nondelegable, because the responsibility here is so important to the world community, including the named anonymous Petitioners Plaintiffs and class members, that Respondents Defendants cannot shift the duty to other third parties.**

- **193)- The standard of care is the reasonable or ordinary care that a prudent actor would perform in similar circumstances to avoid injury to others.**

- **194)- On the January 20, Guan Yi, an expert in SARS epidemiology from Hong Kong, told publicly that the local government should not play on words about the transmissibility and he hoped that we could learn from the 2003 SARS outbreak.**

He continued, “transmissibility, adaptability, incidence and virulence of the virus highly resembles those of SARS at the early stage [of 2003 outbreak]”. Guan's team came to Wuhan on January 21 and returned to Hong Kong on the next day. He said to the media that the "epidemiology experts and scientists do not seem to be welcomed in the city.”[On January 22, Wuhan was still "an open city" to the virus outbreak where most people did not wear a mask, although NHC announced the coronavirus-associated pneumonia as a notifiable disease. He believed that a pandemic was unavoidable as the virus spread with the migration flow of Chunyun.

• 195)- Respondents Defendants breached their duty to Petitioners Plaintiffs and class members by, among other breaches:

- Preventing factories in China, including those owned by U.S. corporations, from exporting PPE during the time Defendants knew of COVID-19's particular dangers and the propensity for a deadly pandemic; and**
- Buying up the inventory of PPE around the world and in the U.S. to “corner the market” on PPE, during the time Defendants knew of COVID-19's particular dangers and the propensity for a deadly pandemic.**

- **The Respondents Defendants' initial denials of Human-to-human transmission. Although the early cases surrounding an animal market may suggest animal-to-human transmission, more evidence surfaced to support human-to-human transmission of the virus was denied by Respondents Defendants. Despite the expert-led investigation and early signs of human-to-human transmission including a hospital-acquired infection (nosocomial) case confirmed on January 10, 2020 according to Caixin, a Chinese media group based in Beijing known for investigative journalism, the local government of Wuhan denied any case of nosocomial infection and kept claiming that "there was no clear sign of human-to-human transmission" until January 15 when Wuhan's Municipal Health Commission (MHC) said on its website that "the result of present investigation shows no clear evidence of human-to-human transmission, but this does not rule the possibility of such a transmission out. The risk of continuous human-to-human transmission is low." According to Ray Yip, former country director for China in the US CDC, and other US health and national security officials, authorities in Wuhan told Chinese CDC field investigators sent there at the beginning of January that there was no evidence of human-to-human transmission, and did not show them all the cases, in particular infected hospital workers, which were an obvious sign of human-to-human transmission.**

- **196)- As a direct and proximate result of Respondents Defendants' breaches as described herein, anomimous named Petitioners Plaintiffs and class members have been injured**

and harmed, and have suffered violations of human rights, death, damages and economic harms, and seek actual, special, and compensatory damages.

COUNT II – INTENTIONAL TORTS OF TOXIC BATTERY AND CIVIL ASSAULT
(Against Each Defendant)

• Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:

• 197)- Respondents Defendants through their active concealment of the dangers of COVID-19, set in motion a virus that, in conjunction with their intentional acts of keeping the anonymous named Petitioners Plaintiffs and class members from being able to procure proper or adequate PPE, allows/allowed that virus to touch anonymous named Petitioners Plaintiffs and class members in a harmful and offensive manner, infecting them.

• 198)- Respondents Defendants thought their active conceament of the danges of COVID-19, set in motion a virus that, in cnjunction with their intentional acts of keeping the

anonymous named Petitioners Plaintiffs from being able to procure proper measures and to take adequately precautionary measures to avoid person-to-person contagion.

- **199)- Respondents Defendants acted with the intent to keep PPE out of the U.S. marketplace and away from anonymous named Petitioners Plaintiffs and class members, and/or did so with the substantial certainty that the harm would occur,**

- **200)- Alternatively, Respondents Defendants' conduct, as described herein, put anonymous named Petitioners Plaintiffs and class members who did not/do not become infected with the virus, in fear of the imminent toxic battery described herein.**

- **Respondents Defendants' intent for either tort and violations of human rights is transferable to the other torts and human rights violations.**

- **201)- As a result of Respondents Defendants' commission of both the toxic battery, civil assault, and violation of human rights of anonymous named Petitioners Plaintiffs and class members have suffered deaths, have been injured and harmed, and seek compensation for irreparable**

damages, for general damages and special damages for discrimination and for violation of human rights.

COUNT III – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Against Each Defendant)

• Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:

• 202)- Due to the negligence described herein, Named Petitioners Plaintiffs and class members have suffered discernable physical manifestations and injuries of trauma from the negligent conduct, above cited including, but not limited, to physical pains, headaches, anxiety, and insomnia.

• 203)- These physical injuries, death and manifestations have been directly caused by the psychological trauma suffered due to Respondents Defendant's egregious conduct and its effect on themselves and their loved ones.

• 204)- Named Petitioners Plaintiffs and class members have been in close proximity to the negligent conduct causing their injuries.

- **205)- As a direct and proximate result of Respondents Defendants' conduct as described herein, anonymous named Petitioners Plaintiffs and class members have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.**

**COUNT IV – INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS**

(Against Each Defendant)

- **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:**

- **206)- As an alternative to the negligence described herein, Respondents Defendants acted intentionally and/or recklessly in the manner described herein, and knew or should have known that death, and emotional distress would likely result from their conduct.**

- **207)- Respondents Defendants' conduct, as described herein, was outrageous, going beyond all bounds of decency, and is utterly intolerable in a civilized world.**

- **208)- Respondents Defendants' conduct has caused death, severe emotional distress to the anonymous named Petitioners Plaintiffs and class members.**

- **209)- As a direct and proximate result of Respondents Defendants' intentional and reckless conduct, as described herein, anonymous named Petitioners Plaintiffs and class members have died, have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.**

COUNT V – CIVIL AIDING AND ABETTING

- **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:**

- **210)- At all times material hereto, the CCP and the PRC were committing and did commit the intentionally tortious acts of intentional infliction of emotional distress, toxic battery, and civil assault, by their acts of actively concealing the virus,**

failing to warn of it, and concurrently hoarding and cornering the market on PPE.

- **211)- Furthermore, they were committing and did commit Sherman Act violations of unreasonable restraint of trade and monopolization and attempted monopolization of the mask and PPE market.**

- **212)- PetroChina received a memo from its Chinese-government owned parent company to covertly buy up medical grade masks and PPE and ship them back to China and had its agents and employees in the U.S. do just that.**

- **At all times material hereto, PetroChina:**

- **Committed the same wrongful acts of hoarding and restraining trade of PPE in concert with the CCP and/or PRC, and/or in pursuit of a common design or conspiracy;**

- **Knew that the acts of the CCP and/or the PRC breached a duty of care or were illegal, and gave substantial assistance to the CCP and/or the PRC by**

scouring U.S. stores and suppliers for masks and PPE and shipping it back to China; and/or

- **Gave substantial assistance to the CCP and/or the PRC in accomplishing the tortious and illegal results, by scouring U.S. stores and suppliers for masks and PPE and shipping it back to China, thereby creating their own breaches of duty and illegal acts.**

• **213)- As a direct and proximate result of Respondents Defendant's intentional and reckless conduct, as described herein, anonymous named Petitioners Plaintiffs and class members have died, have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.**

COUNT VI – VIOLATION OF THE INTERNATIONAL COMMERCE LAWS, OF THE SHERMAN ACT MONOPOLIZATION OF THE MASK AND PPE MARKET

(Against the CCP and the PRC Each Individually)

• **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, as if fully set forth herein, and further allege:**

- **214)- This is a cause of action pursuant the International Commercial Law and legal rules, conventions, treaties, domestic legislation and commercial customs and its usages, that governs international commercial and business transactions, including the US Sherman Act which makes it unlawful for any person to "monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, and with foreign nations".**

- **For the purposes of this Commission, the CCP's and the PRC's actions are taken individually.**

- **215)- The CCP and/or the PRC each participate in the trade and commerce of masks and PPE in U.S. interstate commerce and with foreign nations, and China accounts for the majority of the world's output and manufacturing capacity, as well as the specialized machinery needed to manufacture these supplies.**

- **216)- The relevant market is the market for surgical, N95 and other medical grade masks, as well as other PPE supplies, in the United States.**

- **217)- The CCP and/or PRC possess monopoly power over the relevant market for masks and PPE in that they dominate the world's manufacturing capacity, restricted the access to masks and PPE by restricting exports, and hoarding and buying up all the world's excess supplies, including in the U.S. They cornered the market on masks and PPE.**

- **218)- The CCP's and/or PRC's substantial market power is durable, rather than fleeting, as they have deliberately created long term manufacturing strangleholds, and have the ability to and have raised prices artificially and profitably above those that would be charged if the market were competitive.**

- **219)- The CCP and/or PRC willfully acquired and maintain this monopoly power, as distinguished from growth or development as a consequence of a superior product, business acumen, or historic accident.**

- **220)- The CCP and/or the PRC engaged in anti-competitive exclusionary and predatory conduct, including by creating an artificial (or otherwise) need for the masks and PPE by unleashing a deadly virus, concealing it, and failing to contain and warn about it, such that masks and PPE would be in unprecedented demand, while at the same time stopping exports from its dominant manufacturing base, secretly buying up the world's supplies and enlisting agents and sympathizers to buy up localized mask and PPE supplies and ship them back to China.**

- **221)- It then raised prices well beyond prior averages, and restricted the ability to purchase the masks and PPE, or only granted the ability to acquire or purchase the supplies if it served a political purpose to usurp the U.S. as the leading super-power.**

- **222)- As a direct and proximate result of Respondents Defendants' conduct, as described herein, Named Plaintiffs and class members have been injured and harmed by the created shortages and price gouging of masks and PPE, and seek**

statutory treble damages, reasonable attorney's fees, and actual, special, and compensatory damages.

**COUNT VII – VIOLATION - ATTEMPTED MONOPOLIZATION OF
THE MASK AND PPE MARKET**

(Against the CCP and the PRC Each Individually)

• Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, and 199 through 208, as if fully set forth herein, and further allege:

- 223)- This is a cause of action pursuant to Articles 22 and 48 50 of the American Convention on Human Rights and Articles 37, 38, 39, 43 and 44 of the Rules of Procedure of the Commission. Rules of Procedure of Article 25. And Precautionary Measures. Article XIV of the Inter-American Convention on Forced Disappearance of Persons. Article 28.15 U.S.C. § 2 of the Sherman Act.**

• 224)- To the extent the PRC and/or the CCP did not actually attain a monopoly, they attempted to monopolize the mask and PPE market through their anti-competitive conduct,

as described herein, combined with a specific intent to monopolize the market for masks and PPE, and they had a dangerous probability of success.

- **225)- As a direct and proximate result of Defendants' conduct, as described herein, Named Plaintiffs and class members have been injured and harmed by the created shortages and price gouging of masks and PPE, and seek statutory treble damages, reasonable attorney's fees, and actual, special, and compensatory damages.**

COUNT VIII –CONSPIRACY TO MONOPOLIZE
THE MASK AND PPE MARKET
(Against Each Defendant)

- **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167, and 199 through 208, as if fully set forth herein, and further allege:**

- **226)- The CCP and the PRC as the ruling party and the government, respectively, together took the concerted actions described herein, namely to monopolize the mask and PPE**

market, after they knew of the dangerous virus they unleashed on the world.

- **227)- They further each took overt acts in furtherance of the conspiracy by buying up the world's supply of masks and PPE before the they let the world know the truth about the virus, hiding their trade data, and stopping all exports from its manufacturers.**

- **228)- They did this with the specific intent to monopolize the market for surgical grade masks and PPE and control the world's supply, such that they would benefit economically from artificially or otherwise created shortages and high prices, and usurp the U.S. as the leading super-power.**

- **229)- Furthermore, PetroChina, et al- acted in concert with the CCP and PRC to carry out the anti-competitive scheme, and committed overt acts in furtherance of the conspiracy with the same intent to monopolize the market, by agreeing to, and then purchasing all available supplies of masks and PPE it or its employees and agents could find in stores and from U.S. suppliers, and then shipping it back to the U.S.**

- **230)- The conspiracy and agreement between the CCP and the PRC existed prior to PetroChina joining it.**

- **231)- As a direct and proximate result of Respondents Defendants' conduct, as described herein, anonymous named Petitioners Plaintiffs and class members have been injured and harmed by the created shortages and price gouging of masks and PPE, and seek statutory treble damages, and actual, special, and compensatory damages.**

COUNT IX –UNREASONABLE RESTRAINT OF
TRADE
(Against Each Defendant)

- **Named Petitioners Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 167 as if fully set forth herein, and further allege:**

- **232)- The CCP and the PRC, as the ruling party and the government, respectively, entered into a contract, combination, or conspiracy to restrain the trade and commerce of surgical grade masks and PPE in the United States. They published their market dominance goals and intentions for masks, PPE and other medical supplies.**

- **233)- The CCP and the PRC then stopped exports to the U.S. of the supplies and bought up all the existing supplies of the masks and PPE it could find before letting the world know of the dangers of coming pandemic (and after failing to stop it or warn of it), and thereby artificially or otherwise created an unprecedented demand that only China could meet. And it met that demand with substantially inflated prices and political acts to usurp the United States as a leading super-power.**

- **After the combination and conspiracy existed, PetroChina joined it.**

PetroChina then acted in concert with the CCP and PRC to carry out this unreasonable restraint of trade and commerce in the mask and PPE market, and committed overt acts in furtherance of the conspiracy with the same intent to monopolize the market, by agreeing to, and then purchasing all available supplies of masks and PPE it or its employees and agents could find in stores and from U.S. suppliers, and then shipping it back to the U.S.

PRAYER FOR RELIEF

- **As a direct and proximate result of Respondents Defendants' conduct, wrongful actions, acquiescences, violatios of human rights as described herein, these anonimous named Petitioners Plaintiffs and class members have been injured and harmed by the created shortages and price gouging of masks and PPE, all in violation of human rights, wrongful action and acquiescences, Petitioners Plaintiffs and class member seek statutory treble damages, reasonable counsel's fees, and actual, special, and compensatory damages.**

- **Named anonimous Petitioners Plaintiffs, on their own behalf and on behalf of the putative class members, demand a favorable decree pursuant to human rights guaranteed in the American Declaration of the Rights and Duties of Man ("the American Declaration"), the American Convention on Human Rights ("the American Convention"), and other inter-American human rights treaties .**

WHEREFORE, ANONIMOUS PETITIONERS PLAINTIFFS, individually and as Representatives, demand judgment against Respondents Defendants, and pray for relief as follows:

- . **Loss of family lives and companion;**
- . **Loss health and benefits;**
- . **Loss of peace of mind;**
- . **Permanent loss of bodily health;**
- . **Loss of income/wages;**
- . **Loss of statutory employment-related benefits (such as maternity benefits under the Employment Insurance Act);**
- . **Out of pocket expenses (such as job search costs or relocation expenses).**
 - **An order requiring that Respondents Defendants pay compensatory and other damages to Petitioners Plaintiffs and the class members, for their economic and non-economic damages identified herein, to the full extent permitted by the international law and Rules of this Commission;**
 - **An order awarding all damages allowed by any governing Rules and Statutes of this Commission, including treble damages;**

- **Costs and expenses in this litigation, including, but not limited to, expert fees, filing fees, and other reasonable counsel' fees; and**
- **Such other relief as the Court may deem just and proper.**

Dated this 20th day of March, 2021.

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