

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

RAVI BATRA,

Plaintiff,

(NYSCEF CASE)

- against -

SUMMONS

PETER C. DASZAK, JANET D. COTTINGHAM a/k/a
JANET DASZAK, and ECOHEALTH ALLIANCE INC.,

Defendants.

THE ABOVE NAMED DEFENDANTS ARE HEREBY SUMMONED, to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Attorneys for Plaintiff within twenty (20) days after the service of this summons, exclusive of the day of service or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

COUNTY DESIGNATED AS THE PLACE OF TRIAL: NEW YORK COUNTY

BASIS OF VENUE: CPLR 503(a); New York County is the county in which a substantial part of the events or omissions giving rise to the claim occurred.

DATED: August 17, 2021

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ECOHEALTH ALLIANCE INC.
c/o New York Secretary of State

Courtesy copies to:

Hon. Joseph R. Biden
President of the United States

Hon. Nancy Pelosi
Speaker of the House of Representatives

Hon. Kevin McCarthy
Republican Leader, House of Representatives

Hon. Charles Schumer
Senate Majority Leader

Hon. Mitch McConnell
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Hon. Francis S. Collins, M.D., Ph.D.,
Director, National Institutes of Health

Hon. Anthony S. Fauci, M.D.
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Hon. Devin Nunes
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Hon. Foreign Minister Wang Yi
c/o Ambassador Qin Gang
Embassy of the People's Republic of China in the United States

Hon. Tish James
Attorney General of the State of New York

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

RAVI BATRA,

Plaintiff,

(NYSCEF CASE)

- against -

**VERIFIED
COMPLAINT**

PETER C. DASZAK, JANET D. COTTINGHAM a/k/a
JANET DASZAK, and ECOHEALTH ALLIANCE INC.,

Defendants.

Plaintiff, RAVI BATRA, by and through his counsel, THE LAW FIRM OF RAVI BATRA, P.C., as and for his Verified Complaint against the defendants PETER C. DASZAK [“Daszak”], JANET D. COTTINGHAM a/k/a JANET DASZAK [“Cottingham”], ECOHEALTH ALLIANCE INC. [“Ecohealth”], alleges as follows:

I. CASE GENESIS AND SYNOPSIS: TRUTH AND HONOR NEEDED

1. This is an action seeking to recover damages for the defendants’ negligence, leading and contributing to the worldwide global public health emergency caused by "Severe Acute Respiratory Syndrome Coronavirus Type 2 (SARS-CoV-2), the virus that causes coronavirus disease 2019 (COVID-19)”¹ As a result of the defendants’ improper acts and omissions, plaintiff was exposed to and infected by the SARS-CoV-2 virus and suffered and

¹See e.g. <https://www.niaid.nih.gov/clinical-trials/covid-19-clinical-trials>, last accessed Aug. 13, 2021.

continues to suffer from the effects of COVID-19. For a Table of Exhibits, please see “Schedule 1” at the end of the complaint following the endnote.

2. The SARS-CoV-2 virus and COVID-19 is a “Frankenstein’s” plague, which Batra, *sua sponte*, in March 2020 called a “Trojan Horse,” after being infected with SARS-CoV-2.

3. Bats are special, as they are mostly “warm-blooded,” with only 4 types which are “cold-blooded,” see, *infra*, at “II. Bats are Special”; yet, Nature gave them a “Master Key,” the “Spike Glycoprotein(s)” (Spike), to enter the other and be “seen” by the receiving bat as a non-threatening “friendly,” which allows Bats to procreate across the temperature-divide. The People’s Republic of China (“PRC”/“China”)’s People’s Liberation Army (“PLA”)’s controlled and operated Wuhan Virology Institute² (“Wuhan Lab”), using, *inter alia*, CRISPR gene-editing technology, invented in or about 2000 at UCLA Berkley,³ used like a pair of scissors in a tailor-shop to first make a “cut,” which then permits the tailor to add additional material and stitch it into that cut-place.

²Sadly, it was due to China’s lack of timely transparency upon the initial outbreak of SARS that the International Health Regulations (IHR) were revised in 2005, and 196 nations, including, China and United States, are signatories.

³CRISPR is an acronym for “Clustered Regularly Interspaced Short Palindromic Repeats.”

Upon information and belief, Pfizer and Moderna also use CRISPR technology in their mRNA vaccines. China was expert in using CRISPR technology for creating “designer-babies” or “babies made-to-order” after 2000 until just a few years ago, when China outlawed it. That same expertise, was very helpful to PLA-controlled Wuhan Institute of Virology to weaponize viruses with gain-of-function, using, amongst other things, the same CRISPR gene-editing technology, and Chinese more than decade-long experience with making designed-babies.

4. COVID-19 is such a *lab-created Virus*, weaponized with Spike, which serves as its “master key” to invade any human being or animal without the host’s immune system seeing any threat at all and permitting the invading infection free reign to “let slip the dogs of war.” At the PLA-controlled Wuhan Lab, Bat’s Spike was transplanted onto the chosen Virus, so it could violate Mother Nature’s One-Species Rule for **non-Bats**, as the Bat’s Spike - post transplantation - is being used a “master key” that allows entry of SARS-CoV-2 (infection) into any living being, without the infected person’s immune system seeing any threat or even an invader, such that the infected-host’s “T” Cells “stay sleeping” in their Immunity Barracks. See, Ex. “1” - “Chinese admit to SARS mistakes” April 21, 2003; Ex. “2” - Learning from SARS: Preparing for the Next Disease Outbreak” 2004, National Academy of Sciences; Ex. “3” - in 2019, United States CDC: International Health Regulations (IHR) in 2005 revised, and signed by China and United States.

5. Because of China’s clearly documented defective response to the initial SARS virus, the IHR were entered into by 196 nations and, to assist China in better managing biological threats to humanity, France, in about 2004, sent approximately 50 scientists to China to help create a biosafety lab at the Wuhan Lab, establish proper state-of-the-art operating protocols, train laboratory personnel, and supervise researchers. In 2018, the Chinese continued to operate their laboratory at the Wuhan Lab that they labeled as Biosafety Level 4 in 2018, notwithstanding that “cooperation between France and China came to a halt in 2017 when the French scientists were ‘kicked out’, prompting concerns about China's

motivations[.]” *See* Ex. “4” - “**MAD SCIENTISTS France `warned Wuhan lab could be turned into a `biological arsenal' by Chinese military four years before Covid `leak.'”**

Notably, “A federal watchdog is also investigating the National Institutes of Health after it was revealed the organisation (*sic*) gave over \$800,000 in funding to the Chinese lab.” *Id.*

6. China’s ejection of the French scientists, compelling their removal from the Wuhan Lab, personally and ending their involvement or oversight, was designed to cloak the collective misconduct of the defendants and China, and their violations of international norms and law. During that time, and thereafter, the defendants continued to work with and assist China’s violations of international norms and law, including at the Wuhan Lab.

7. **Pierce-able Sovereign Immunity vs. Traditional Tort Liability of New York Tortfeasors.** Qualified sovereign immunity and deferential treatment of a foreign sovereign nation-state is desirable to help maintain mutually respectful bilateral ties in the comity of nations, such as with China, versus a full measure of responsibility for complained-off negligent aider and abettor, and/or intentionally corrupt fraudulent “cover-up artist,” defendant PETER DASZAK (DASZAK), and related co-defendants under his control, who proximately caused Plaintiff, and others, to be infected by SARS-CoV-2 on or before March 14, 2020, leading to COVID-19 and life-long secondary injuries that diminish quality-of-life, injure a family, and reduce life-span with a now-unavoidable risk of a painful death, while subjecting Plaintiff, and others, to get painful first shot of fever-causing Pfizer mRNA vaccine in May 2021, and a second shot in June 2021.

8. Daszak, *with help from* his related co-defendants, along with non-party, the seemingly objective and science-driven America's public health-fiduciary Dr. ANTHONY FAUCI⁴ (FAUCI) of National Institute of Allergy and Infectious Diseases (NIAID), actually prevented and/or delayed:

a. the timely disclosure/discovery of accurate SARS-Cov2/COVID-19 ("COVID-19," "biowarfare agent," "ICBM of a virus," "lab-created virus," "Wuhan virus," "Virus," etc.) origin's "raw/whole truth," including "genome" and "spike glycoprotein(s)" of each and every different Virus' "protein string" of the various samples created of the subject biowarfare agent, a lab-created weaponized virus, believed to be accidentally released, due to defective safety protocols and/or negligently breached protocols, from the Chinese Communist Party's (CCP)/PRC's PLA-controlled and/or operated Wuhan Lab *in the Summer or Autumn of 2019*;

b. the timely disclosure/discovery of the *different "cover-up" replacement Virus(es), also with "spike glycoprotein(s), but with different protein string(s), released on or after December 30, 2019 at the Wuhan Wet Market* - after it was "power-washed" to eliminate any and all inculpatory evidence that would expose the biowarfare agent as being lab-created and lab-leaked, *while exposing as a fraud - China's and PLA-Lab's - false*

⁴See Exs. 18-25, *infra*: email exchange between Daszak and Fauci where Daszak thanks Fauci on behalf of himself and his "collaborators"; NIAID Mission; NIAID Organization; Anthony S. Fauci, M.D.; NIAID History; NIAID Role in Research; NIAID Accomplishments; NIAID Budget & Planning; (post-COVID-19) "Congressional Justification FY 2022"; (post-COVID-19) "FY 2021 Budget"; falsely represented to be pre-COVID-19 "FY-2020 Budget."

assertion of a zoonotic transfer at Wuhan Wet Market, as there are no live bats sold there (and at the animal farms and bat caves, where humans are and were bat-bitten, there were NO COVID-19 cases!) - to confuse and/or prevent *inter alia*, the World Health Organization (“WHO”) from doing its job and timely sounding a global alarm that a pandemic was afoot which will devastate the global public health and global economy. China and the defendants further misled WHO Director-General Dr. Tedros Adhanom Ghebreyesus (Dr. Teddros) so as to prevent the global scientific community from timely learning - the whole “raw” truth - all that there is to know, so as to be able to fashion the best possible protocols, remedies, and *inter alia*, vaccines to prevent or survive infections, while trying to stop the unlimited evolution of more and more deadly mutations, infinitum, which would proximately cause an ecological apocalypse;

c. all the existing information and samples from the Wuhan Lab to be disclosed and shared globally, to maximize the creation or discovery of the most effective response that limits the pandemic’s destructive capacity and permits humanity’s and other species’ best survival;

d. timely alarm of a global pandemic by the WHO in or about Fall of 2019, so governments across the world could impose, in Fall 2019, timely Travel Bans on China, and prevent the spread of the pandemic from Wuhan to Sweden in or about Fall 2019, Japan and, *inter alia*, Italy on or about October 2019, with further human-to-human transmissibility, with exponential and geometric spread across Asia, Europe and the Americas, such that an

attorney from New Rochelle was infected with SARS-CoV-2 on or about February 2020 before there were any known cases in the region and unwittingly passed it to others;

e. Delaying and preventing timely testing for COVID-19 infection, contact-tracing, and the world's scientists, biochemists and *inter alia*, epidemiologists timely better understanding this out-of-control biohazard agent, its privileges, immunities, and weaknesses, and timely arrive at a better vaccine that could stop its ever-more lethal and transmissible variants, including, the Delta Variant - which currently accounts for 93% of all new COVID-19 cases.

9. Plaintiff Ravi Batra Develops a Fever and Gets Ill for No Apparent Reason.

On Saturday March 14, 2020, while he was with members of his family, especially, wife Ranju, and Miracle daughter Angela, Ravi Batra (Ravi) got unusually ill and had a fever. Days later, they all learned from the New York State Department of Health that they had been infected with SARS-CoV-2 and had tested positive for COVID-19; they all took Tylenol, and plaintiff Ravi additionally took Azithromycin antibiotics ("Z-Pak") and Hydroxychloroquine (Plaquenil). Plaintiff's fever at highest was 104.3 fahrenheit for 2-3 days and he believed that he was at Death's Door; his body was oddly ill, including, as if his legs were getting electric current flowing through them, and he contemporaneously described the illness as a "Trojan Horse." All of Ravi's family members who tested positive for COVID-19, like Ravi, also lost their senses of taste and smell, which continued even after reaching a normal body temperature of 98.6 fahrenheit on March 29, 2020.

10. The secondary-to-COVID-19 illnesses started on March 29, 2020 - known only for Ranju and Ravi, as Angela is not able to be a “good reporter”- and Ravi has suffered and suffers various ailments and conditions, including skin disorders with repeat rupture of skin to painfully expose underlying tissue in multiple fingers, including thumbs, exacerbated nerve pain and discomfort, lack of normal control over body functions, explosive exacerbation of preexisting A1C levels to 9.2 and a resulting diabetes diagnosis on April 22, 2021, and he is now on medication and taking supplements, with perceived risk of diminished life expectancy, deteriorated end of life conditions, and other injuries and damages. See, Ex. “5” - “April 8, 2020, Ravi Batra Shares First Hand Account of Recovery from COVID-19 in New York, by Ravi Batra” published *inter alia*, in *India America Today*; also, at end, is an email between Batra and Tejinder Singh, the late Publisher and editor-in-Chief; the reference to “Lalit” in Batra’s email is to Latit Jha, Press Trust of India’s Washington Bureau Chief who had repeatedly cajoled reluctant-Ravi to make public his COVID-19-infection experience to help the public cope better; *see also* Ex. “6” April 8, 2020 Letter by PRC’s Permanent Representative Zhang Jun to the President of the General Assembly “Fighting the coronarius disease (COVID - 19) pandemic: China in action,” which summary issued by China’s Ministry of Foreign Affairs lists as “Fighting COVID-19 Pandemic: China in Action.”

11. Had plaintiff Ravi Batra known the whole truth about COVID-19 on a timely basis, before he was infected, he would have masked up, self-quarantined, self-isolated, and, *inter alia*, gone into “remote work” months before doing so on March 16, 2020, and avoid being infected by SARS-CoV-2 and developing COVID-19 on or about March 14, 2020.

12. **Batra cracks case, and writes letter to POTUS Trump, and suggests amending UN Charter to create UN Pandemic Council.** On April 14, 2020, Ravi Batra sent a letter to Hon. Donald J. Trump (Batra-Trump Ltr.) [the text of this letter is also incorporated herein as Endnote 1],¹ then President of the United States, via email at or about 8:31pm to Ex-Marine and then-Deputy National Security Advisor Matt Pottinger, asserting that we may have been *more than “Pearl Harbored”* with SARS-CoV-2 (a lab-created biowarfare agent - which transplanted Bat’s “Spike Glycolprotein(s)” onto the Virus’ protein string), and *inter alia*, Ravi suggested that the United States demand injuries and damages-compensation, and if the spread of the virus from China was intentional in the first place, then possible war-reparations from China, along with moving our Richard Nixon-opened “Supply Chains” back to USA, so we were not held hostage by same, and compelled to “appease” China’s desire to dominate the world. During the Spring and Summer of 2020, Ravi Batra had suggested to dozens of Ambassadors to the United Nations, and received favorable responses from many UN ambassadors, including, Ravi’s Goddaughter Ameliya Umarov’s father, P.R. of Kazakhstan, and Foreign Minister(s), ***the need to amend the United Nations Charter by replacing the old UN “Trusteeship Council” with a new “United Nations Pandemic***

Council” (UNPC) for global public health, modeled on the United Nations Security Council (UNSC: P5 and R10 member-states) for peace and security - but with 12 Permanent member-states from the U.N. Five Regional Groups selected by the United Nations General Assembly (“UNGA”), and either 9 or 13 additional rotating member-states elected by UNGA (P12 and R9/R13), and a Permanent Member-Veto only exercisable if there was at least 1 Permanent Member from each of the 5 Regional Groups so voting.⁵ Indeed, this proposal to amend the UN Charter was referenced in Ravi’s April 14, 2020 letter to President Trump (Ex. 7, *supra* at p. 2 ¶ 3). *See Ex. “7”* - Ravi’s April 14, 2020 Letter to President Trump, Speaker Nancy Pelosi, then-Senate Majority Leader Addison Mitchell McConnell, Jr., with copies to *inter alia*, Sen. Chuck Schumer, Leader Kevin McCarthy, Chairman Eliot L. Engel, Ranker McCall, Chair Carolyn B. Maloney, Ranker Jim Jordan, Chairman-Senator Risch, Ranker-Senator Bob Menendez, Secretary Pompeo, Secretary Esper, Gov. Andrew Cuomo, Mayor Bill de Blasio, Attorney General Tish James, and China’s Ambassador Zhang Jun; *see also Ex. “8”* - **“Corona vaccine is our priority No. 1. For that to happen quickly, China has to tell all: Ravi Batra,”** with the Open Letter, etc., published *inter alia*, in *The South Asian Times* May 2-8, 2020, with the Interview conducted by Parveen Chopra, as suggested by Kamlesh Mehta.

⁵Subsequent to plaintiff Ravi Batra’s efforts, in or about September 2020, during the United Nations General Assembly, Hon. Kassym-Jomart Tokayev, President of the Republic of Kazakhstan, proposed to establish a specialized agency accountable to the UN Security Council - the International Agency for Biological Safety (IABS).

13. Next Day, America Acts. After receipt of Ravi's Letter (Ex. 7, *supra*), the very next day, April 15, 2020, President Trump launched a Preliminary Investigation of CCP-China-PLA owned and/or operated Wuhan Lab to determine, amongst other things, the origins of SARS-CoV-2 and COVID-19.

14. Batra's Letter to POTUS Biden. A year later, on April 13, 2021, Ravi sent a letter to Hon. Joseph R. Biden, Jr., President of the United States (Batra-Biden Ltr.): with a copy of Ravi's April 14, 2020 letter to President Trump (Wuhan spelling conformed), with updates, including, China's "Wolf Warrior" policy and still suggesting the United States hold China liable. *See Ex. "9"* Batra-Biden Ltr; *see also Ex. "10"* -Batra's letter to President Biden *inter alia*, published in *The Indian Panorama*, with an editor's note by Prof. Inderjit Saluja.

15. Given the "Delta" Variant, Ravi Offered China Conditional Absolution; Letter to Prime Minister Modi (Batra-Modi Ltr.). On May 6, 2021, Ravi Batra sent a letter to Indian Prime Minister Hon. Narendra Modi: with a copy of 2020 and 2021 letters to both Presidents Trump and Biden (Exs. "7" and "9", *supra*), and stating that due to the obviously un-tamed and highly transmissible Delta-variant, ***Ravi evolved away from holding China liable***, per tort or possible crime and punishment, and instead moved towards South Africa's Archbishop Desmond Tutu's "Truth and Reconciliation Commission's" paradigm, absolving China of tort and crime and punishment liability, so as to get Hon. Xi Jinping, President of PRC and General-Secretary of CCP to want to forego global domination and instead fully

cooperate in defeating SARS-CoV-2 and COVID-19, and offer up the “Raw Truth,” so the world’s scientists, without regard to sovereign limitations, can expeditiously disarm this out-of-control biowarfare agent, an ICBM of a Virus, COVID-19, and save humanity and the animal kingdom, which too is infected. *See Ex. “11”* - Batra’s May 6, 2021 Letter to Prime Minister Modi; *see also Ex. “12”* - Batra’s letter to PM Modi *inter alia*, published by *The Indian Panorama*; confirming Ravi’s view in late April 2021 that ***the much more potent and transmissible Delta Variant was a game changer***; *see also Ex. “13”* - August 6, 2021, *National Geographic* - “Why is Delta more infectious and deadly? New research holds answers. Studies show that Delta replicates more quickly and generates more virus particles than other variants, but vaccines still protect against serious infections.”

16. POTUS Biden Issues 90-day mandate to Intelligence Community: Origins. 20 days later, on May 26, 2021, President Biden issued a 90-day Mandate to the Intelligence Community, *a la* “Report on Origins of SARS-CoV-2” - “I have now asked the intelligence community to redouble their efforts to collect and analyze information that could bring us closer to a definitive conclusion, and to report back to me in 90 days.” *See* Statement by President Joe Biden on the Investigation into the Origins of COVID-19, *available at* <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/26/statement-by-president-joe-biden-on-the-investigation-into-the-origins-of-covid-19/>, *last accessed* Aug. 13, 2021.

17. Ravi was interviewed on June 9, 2021 by USANAS Foundation's Abhinav Pandya and Rushali Saha on the issue of "Covid Origins...Zoonotic or Biowarefare Accidental Lab Leak?." See Ex. "14" - transcript of said show; see also Ex. "15" NY Post "MIT researchers find cells targeted by coronavirus in breakthrough for cure" by Tamir Lapin, which Ravi Tweeted about on April 22, 2020 - a year earlier.

18. Ralph Baric - January 13, 2020 email to Daszak. Notably, as recently reported, email communications between Peter Daszak and Dr. Ralph Baric, at the University of North Carolina, on January 13, 2020, "before China or the World Health Organisation (*sic*) (WHO) made any official statement on the nature of the coronavirus both Ralph Baric and Peter Daszak in their emails appear to be confident that the coronavirus in China is a 'highly variable SARS-like CoV'. Most importantly, Ralph Baric refers to the coronavirus as 'Our' highly variable SARS-like COV, displaying a familiarity with the virus." See Ex. 16 - Goa Chronicle "Looks like we found our Highly Variable SARS-like COV: Ralph Baric to Peter Daszak" by Savio Rodrigues; see also Ex. 17 - January 13, 2020 email exchange between Daszak and Baric.

19. Daszak and "His" Collaborators Thank Fauci on April 18, 2020. Peter Daszak infamously thanked Dr. Anthony Fauci - in writing, as revealed when thousands of emails were disclosed - for assisting him and his "collaborators," which then included, *inter alia*, the Wuhan Lab, in their efforts to help the Wuhan Lab and China cover up the COVID-19 outbreak in the summer and fall of 2019, get WHO to not sound the pandemic alarm as

required by the 2005 “International Health Regulations” (Ex. “3” *supra*), despite both United States and China being among the 196 countries who agreed to honor same. *See* **Ex. 18** - April 18, 2020 email Daszak to Fauci with April 19, 2020 Fauci to Daszak email response.

20. EcoHealth and NIAID financials, and failure to be completely truthful. Daszak and his related co-defendants took in, based upon reports, over \$120 million from the United States government (HHS, State Department’s USAID, and *inter alia*, DoD), despite President Obama “outlawing” gain-of-function research in 2014, and out of those funds, Daszak and his related defendants funded Wuhan Lab in the millions of dollars to continue to weaponize Viruses, and lab-create multiple versions of SARS-CoV-2, including, the replacement-Virus released on or about December 30, 2019 at the Wuhan Wet Market to cover up the prior virus(es) released from the Wuhan Lab during the summer and fall of 2019; a so-called “Patient Zero” who was admitted to the Wuhan Hospital on December 1, 2019, his genome has never been disclosed, even as he was NOT the first infected patient - as that had to be before Sweden got their imported SARS-CoV-2 infection leading to COVID-19 in or about Fall 2019. (*See a la* **Anthony Fauci, Ex. “19”** NIAID Mission; **Ex. “20”** NIAID Organization; **Ex. “21”** Director Anthony Fauci, M.D.; **Ex. “22”** NIAID History; **Ex. “23”** NIAID Role in Research; **Ex. “24”** NIAID Accomplishments; **Ex. “25”** NIAID Budget & Planning, with (a) “Budget FY 2020,” (b) “Budget FY 2021,” and (c) “Congressional Justification, FY 2022”); and for Daszak and related defendants’ New York County home office and financials, *see* **Ex. “26”** - IRS December 21, 2010 Letter to Ecohealth Alliance

Inc (c/o Harvey Kasdan, 460 West 34th Street, 17 floor, New York, NY 10001-2317); **Ex. "27"**- EcoHealth Alliance, Inc. and Wildlife Preservation Trust International, Inc., Independent Auditor's Report and Consolidated Financial Statements, June 30, 2020 and 2019, by BKD CPAs & Advisors; **Ex. "28"** - Annual Reports and Financials pages on Ecohealth website, available at <https://www.ecohealthalliance.org/financials-strategy>, *last accessed* Aug. 13, 2021, with "Form 990" link leading to the message "Error 404 The page you are looking for does not exist. Please check the URL and try again" and "Contact Form" identifying "520 Eighth Avenue, Ste. 1200, New York, NY 10018," as the "World Headquarters" of defendant EcoHealth Alliance, *available at* <https://www.ecohealthalliance.org/contact-form>, *last accessed* Aug. 16, 2021; **Ex. "29"** - EcoHealth Alliance 2011 Annual Report; **Ex. "30"** - EcoHealth Alliance 2012 Annual Report; **Ex. "31"** - EcoHealth Alliance 2013 Annual Report; **Ex. "32"** - EcoHealth Alliance 2014 Annual Report (this was the year that President Obama imposed a moratorium on gain-of-function research); **Ex. "33"** - EcoHealth Alliance 2015 Annual Report; **Ex. "34"** - EcoHealth Alliance 2016 Annual Report; **Ex. "35"** - EcoHealth Alliance 2017 Annual Report; **Ex. "36"** - EcoHealth Alliance 2018 Annual Report; **Ex. "37"** - EcoHealth Alliance 2019 IRS Form 990, dated November 15, 2020.⁶

⁶The Form 990 was retrieved from the IRS website, *available at* https://apps.irs.gov/pub/epostcard/cor/311726494_202006_990_2021052018156328.pdf, *last accessed* Aug. 13, 2021. The EcoHealth Alliance website contained no annual reports for 2019 or 2020.

21. On or about August 1, 2021, Hon. Michael McCaul, Ranking Member of the House of Representatives Foreign Affairs Committee, Chaired by Hon. Gregory W. Meeks, released an addendum to the Origins of COVID-19 report issued in September 2020, when Hon. Elliot L. Engel was Chairman. See “Ex. 38” - “The Origins of COVID-19: An Investigation of the Wuhan Institute of Virology, *available at* <https://gop-foreignaffairs.house.gov/wp-content/uploads/2021/08/ORIGINS-OF-COVID-19-REPORT.pdf>, *last accessed* Aug. 13, 2021. The press release announcing the report, notes that

[t]he addendum outlines *evidence that points to the Wuhan Institute of Virology (WIV) as the source of the outbreak, and outlines some of the many steps researchers at the WIV along with Peter Daszak of EcoHealth Alliance took to cover up the research being done there.* It also breaks down how scientific papers written by researchers at the WIV not only prove the WIV was doing dangerous genetic modification research on coronaviruses at unsafe biosafety levels, but also that WIV researchers had the ability to genetically modify coronaviruses as early as 2016 without leaving any trace of that modification.

See Ex. “39” - “McCaul Releases Addendum to Origins of COVID-19 Report,” *available at* <https://gop-foreignaffairs.house.gov/press-release/mccaul-releases-addendum-to-origins-of-covid-19-report/>, *last accessed* Aug. 13, 2021 (*emphasis added*).

II. BATS ARE SPECIAL

22. The Earth is host to many living organisms and species, including, Humans, each co-existing in their own lane, limited by Nature's procreation-per-species only, and aided by being either "warm-blooded" or "cold-blooded"⁷ - with limited exception, none more glaring than in Bats. Most Bats are "warm-blooded" (*Homeothermic*), but four (4) special types of bats - the "bent-winged," "free-tailed," "horseshoe" and "Vesper" - have *heterothemal* ability to go from being warm-blooded to cold-blooded, as they choose given their circumstances.

23. "Cold-blooded" (**Heterothermic**) can still procreate across their blood-temperature divide due to Nature's gift to Bats of a "master key"⁸: Spike Glycoprotein(s),

⁷**HOMEOTHERMIC**: warm-blooded animal species generate internal heat, including, Humans; this means they maintain a narrow range of body temperature to stay alive. **This includes most (but not all) Bats, which are warm-blooded.**

POIKILOTHERMIC: Animals species that cannot generate internal heat. Example: Reptiles, fish, insects, worms, and amphibians - all except birds and mammals. Fish and the like adopt the temperature the environment.

HETEROTHERMY: is a *sub-set* of Homeothermic animals, and are cold-blooded in a manner different than **POIKILOTHERMIC**. Small "homeothermic" birds, like **Sparrows**, lack the energy to keep up their body temperature when they are inactive, so Nature empowered them to *voluntarily* - as in by choice - allow their body temperature to fall and their metabolism slows way down. Some mammals, like **Bears** and **Squirrels**, are nature-empowered to *hibernate* in winters by doing the same thing. HETEROTHERMY is different from the POIKILOTHERMS because they aren't allowing their body temperature to fall or rise to the *ambient* environmental temperature, like fish and reptiles, but rather *choosing* to lower their "normal" operating body-temperature.

⁸As a simple analogy, a human immune system is like a home alarm system which, if working correctly and operational, sounds the alarm when an intruder breaks in; but no alarm goes off when the owner enters her home using her key and entering her alarm code. As lab-designed, SARS-CoV-2 infects a human being thanks to Spike, without alerting the immune system to send

which allows entry of the invading Bat's fluid into the receiver-Bat, without its immune system being activated to defend itself by destroying the invading Bat's fluids.

24. A human bitten by a snake or a bat is not considered transmission. A human so-infected by a bat-bite does not transmit such infection by breathing, sneezing or coughing, and hence there is no "transmissibility" of the infection merely from a bat-bite.

III. SARS-CoV-2, CREATED AT WUHAN LAB, LEADS TO COVID-19

25. Upon information and belief, the research performed in China at the Wuhan Lab, in conjunction with the defendants, included research that altered coronavirus to make it more transmittable amongst humans, and increase its virulence.

26. SARS-CoV-2 is Reverse Zoonotic. The altered coronavirus, SARS-CoV-2 is unusually reverse zoonotic, meaning that it can be transferred from humans to animals. As examples, tigers and lions at the Bronx Zoo were infected with SARS-CoV-2 after human to animal contact, and developed COVID-19.⁹ In Denmark, minks became infected with SARS-CoV-2 after exposure from human mink farmers and developed COVID-19 - and then the virus mutated in the minks and was transferred back to humans. This led to the Danish killing minks in an effort to contain spread of SARS-CoV-2.¹⁰ Even China refused to accept

T-cells to defend against the invader infection, as the immune system sees no intruder.

⁹Update: Bronx Zoo Tigers and Lions Recovering from COVID-19, *available at* <https://newsroom.wcs.org/News-Releases/articleType/ArticleView/articleId/14084/Update-Bronx-Zoo-Tigers-and-Lions-Recovering-from-COVID-19.aspx>, *last accessed* Aug. 13, 2021.

¹⁰Here's why Denmark culled 17 million minks and now plans to dig up their buried bodies. The Covid mink crisis, explained Denmark culled 17 million minks in November in response to Covid-19 outbreaks at more than 200 mink farms. Now the country plans to dig up the dead animals

chicken wings from Brazil that it claimed tested positive for COVID-19.¹¹

27. Upon information and belief, such alteration procedures do not necessarily require gene editing. Rather, serial passage and gain of function can cause a virus to evolve such that its pathogenicity increases.

28. No later than the Summer or Autumn of 2019, while the defendants were working in conjunction with China at the Wuhan lab on research concerning alterations to coronavirus, a weaponized, altered, and enhanced coronavirus, SARS-CoV-2, leaked out of the Wuhan lab, owned and operated by CCP's PLA.

29. Upon information and belief, defendant Daszak individually, and as president of defendant Ecohealth, sought and received federal monies for research into coronaviruses and caused those funds to be diverted into research conducted by the Chinese government, in collaboration with the defendants, at facilities including the Wuhan Lab.

30. The applications for these federal monies, and actions to divert the funds to Chinese government authorities, and the Wuhan laboratory, occurred in New York County.

after they started to rise out of their shallow graves, available at <https://www.nbcnews.com/news/animal-news/here-s-why-denmark-culled-17-million-minks-now-plans-n1249610>, last accessed Aug. 13, 2021.

¹¹China says chicken wings from Brazil tested positive for coronavirus, *available at* <https://nypost.com/2020/08/13/china-says-chicken-wings-from-brazil-test-positive-for-coronavirus/>, *last accessed* Aug. 13, 2021.

31. Upon information and belief, the defendants, along with officials of the PRC and PLA, used United States federal funds to perform research, including, but not necessarily limited to, CRISPR, serial passage, and/or gain of function research to alter one or more coronaviruses to enhance biological functions so as to make it or them more contiguous.

32. Upon information and belief, this research was coordinated by the defendants from New York County.

33. Upon information and belief, the altered coronavirus became what is now known as SARS-CoV-2, became more transmittable and able to infect a larger range of hosts. SARS-CoV-2 was more virulent than other coronaviruses and more able to infect humans and be more freely and easily transmitted from person-to-person.

34. Upon information and belief, poor security measures by the defendants and their PRC counterparts, whom Dazsak calls “collaborators” in his April 18, 2020 email to Fauci (Ex. 18, *supra*), in violation of required and accepted standards designed to protect human life, permitted SARS-CoV-2 to be leaked from laboratories, including at the Wuhan Lab.

35. Upon information and belief, the determination to perform the coronavirus research that would lead to SARS-CoV-2 under improper and insufficient biosafety conditions, that exposed the plaintiff and others to greater risk of harm, was made by the defendants in New York County.

36. The transmission of SARS-CoV-2 worldwide from its physical origins within the PRC was swift and devastating. Given the virulence of COVID-19, the risks to human safety were, and remain, enormous. Currently, it is believed that there have been more than 200 million human infections.

37. It was the defendants actions and omissions in New York County to forego safety, in order to be able to perform research in China that could not be performed in the United States, that proximately enabled and caused the release of SARS-CoV-2 and its ultimate infection of the plaintiff.

38. COVID-19 is the disease resulting from infection with SARS-CoV-2. COVID-19 causes symptoms ranging from mild to severe and has led to more than 4 million deaths worldwide. More than 600,000 deaths have occurred in the United States alone. In New York, approximately 2.14 million people have been infected with COVID-19 leading to more than 53,000 deaths. These numbers continue to rise, especially given mutations and variants of SARS-CoV-2, including, but not limited to, what is now referred to as the “Delta Variant.”

39. For those that don’t die, COVID-19 can still often be a tremendous battle. Severe illness including respiratory failure, septic shock, and multi-organ failure have frequently occurred.

40. Even the less severe cases of symptomatic COVID-19 disease involve significant symptoms, including high fevers, pain, significant cough, debilitating fatigue, and loss of senses including taste and smell. For many, including plaintiff, symptoms have

become “long haul” whereby even after the infected person is no longer contagious and is presumed “cured,” they continue to experience debilitating and puzzling symptoms - some with no end in sight.

41. COVID-19 can also trigger or exacerbate other diseases including diabetes, hypertension, elevated cholesterol, and cardiomyopathy.

42. The COVID-19 pandemic did more than cause ongoing physical harm. There was, and remains, an ongoing worldwide financial crisis resulting from “lockdowns,” shutting down businesses, government facilities, and tourism - all in an effort to slow, and hopefully stop the spread of SARS-CoV-2 and COVID-19 disease.

43. SARS-CoV-2 has repeatedly mutated since its initial release in Wuhan, and the enhanced pathogen has morphed into even more virulent strains. Oddly, natural viruses *generally* mutate to harmlessness. SARS-CoV-2 continues to mutate to greater lethality and virulence as with the Delta variant and its subsequent, more virulent relatives.

44. Researchers worked tirelessly to develop treatments and vaccines to stem the flow of SARS-CoV-2 and resulting COVID-19 disease; however, to date, there is no set standard of care, nor has any vaccine been created that leads to sterilizing immunity, as in, for example, the smallpox vaccine.

45. All of the COVID-19 vaccines currently available for have ranging efficacy rates, permit re-infection, have side effects of their own, and have unknown time periods of limited protection. Each effort to reopen the economy has also been challenging, as

SARS-CoV-2 variants become better able to infect even the vaccinated.

IV. THE PARTIES

46. The plaintiff is an attorney, duly admitted to practice law in all courts of the state of New York and federal courts, including the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern District of New York. Plaintiff resides in the County of Westchester, State of New York.

47. New Rochelle, where plaintiff resides, is the same city in Westchester County, New York, where the first known COVID-19 positive patient in New York state lived. *See* ¶ 8(d), *supra*. Despite authorities establishing a “containment zone” in New Rochelle effective on or about March 12, 2020, leading to temporary closures of Houses of Worship and other places where people could gather, SARS-CoV-2 took over, spreading through and beyond the community.

48. Plaintiff was infected with SARS-CoV-2 and developed COVID-19 in March 2020, then experiencing a high fever, difficulty breathing, intense cough, significant fatigue, malaise, lethargy, and, *inter alia*, neurological symptoms at his legs. Some of plaintiff’s symptoms developed thereafter, were exacerbated and/or triggered by COVID-19, and/or continue to date, including, but not necessarily limited to, skin disorders, exacerbation of A1C levels leading to diabetes, altered lipid metabolism leading to elevated cholesterol, fatigue, malaise, headache, joint pain, muscle pain, tingling at the hands and feet, difficulty

sleeping, impaired senses of smell and taste, and diminution of normal control over body functions.

49. The majority of the time that the plaintiff spent in the weeks and days leading to his infection with SARS-CoV-2 and developing COVID-19 was in New York County, where plaintiff maintained his principal office and was involved with the bulk of his then professional and social calendar of events.

50. Given plaintiff's physical presence at the time, and the 2-14 day incubation period from infection with SARS-CoV-2 to development of COVID-19 and expression of symptoms,¹² plaintiff was infected with SARS-CoV-2 in New York County.

51. Upon information and belief, defendant Peter C. Daszak, resides at 60 Viola Road, Suffern, NY 10901, in the County of Rockland, State of New York. Defendant Daszak is the president of defendant Ecohealth and receives a salary for his work and is not subject to the protections of Not-for-Profit Corporations Law § 720-a and the pleading requirements of CPLR 3016(h). However, this complaint does allege gross negligence by defendant Daszak. Upon information and belief, defendant Daszak holds a doctorate in infectious diseases awarded in the United Kingdom. Additionally, defendant Daszak has previously worked with the United States government including with National Center for Infectious

¹²Centers for Disease Control, Clinical Questions about COVID-19: Questions and Answers, Transmission, When is Someone Infectious?, Updated Mar. 4, 2021, *available at* <https://www.cdc.gov/coronavirus/2019-ncov/hcp/faq.html#Transmission>, *last accessed* Aug. 15, 2021.

Diseases, at the Centers for Disease Control and Prevention.

52. Upon information and belief, defendant Peter C. Daszak, is an owner of the real property and improvements at 60 Viola Road, Suffern, NY 10901, in the County of Rockland, State of New York

53. Upon information and belief, by way of his presidency at defendant Ecohealth, defendant Daszak has secured multi-millions of dollars from the federal government which has been steered toward research skewed by Daszak's own views, beliefs, and benefits, including pecuniary and egotistical. Included in such funding is that which was re-directed to the Wuhan Lab. Notwithstanding the conflict of interest inherent in his role at Ecohealth, and Ecohealth's direct involvement with the PRC SARS-CoV-2 development, defendant Daszak had also been appointed by the World Health Organization as part of a putative "investigative team" to ostensibly study the origins of COVID-19. Likewise, defendant Daszak was appointed by medical journal *Lancet* to its "commission" to explore the origins of the COVID-19 pandemic - while he hid his, and his related co-defendants, own roles in the creation and release of such virus; however, Daszak ultimately recused himself given his failure to report his ties to the research conducted in conjunction with the PRC at the Wuhan Lab. Indeed, at the time Daszak initially communicated with *Lancet* about COVID-19 he falsely denied any "competing interests."

54. At all relevant times, the defendants maintained their principal physical offices for conducting business in New York County, initially at 460 West 34th Street, Suite 1701, New York, NY 10001 and then at 520 8th Avenue, Suite 1200, New York, NY 10018.

55. It was in New York County that the defendants secured federal funding for their coronavirus research in conjunction with China at the Wuhan Lab. It was in New York County that the defendants failed to report the risks associated with the coronavirus research they were doing to federal funding authorities, in breach of the applicable framework (*see e.g.* Ex. 40, *infra*). The defendants knew that Chinese laboratories, including the Wuhan Lab, had prior safety issues that were of concern to the United States government, and while in New York County the defendants failed to take steps to remedy safety concerns and instead caused and directed dangerous research to continue under improper biosafety conditions that would foreseeably cause widespread infection. It was in New York County that the defendants learned of the leak of SARS-CoV-2 from the Wuhan Lab and then took steps to delay release of critical information to contain the outbreak while actively concealing information about the coronavirus research and leak. It was in New York County that the defendants provided misleading information to federal agencies and international bodies, including the WHO, with respect to SARS-CoV-2 and the cause and origin of the virus and resulting COVID-19 disease. And, it was in New York County that the defendants pressured bodies, including the WHO, to not declare an international health emergency - ultimately causing a delay in such an emergency being declared - thereby thwarting efforts at

containment and enabling the mass spread of SARS-CoV-2 worldwide.

56. Upon information and belief, defendant Janet D. Cottingham a/k/a Janet Daszak, resides at 60 Viola Road, Suffern, NY 10901, in the County of Rockland, State of New York. Upon information and belief, defendant Cottingham is defendant Daszak's wife and an immunologist who works along with Daszak to aid and abet his goals, including the cover up of the cause and origin of the SARS-CoV-2 virus and the COVID-19 pandemic, while handsomely profiting economically and in professional reputational respect, etc.

57. Upon information and belief, defendant Janet D. Cottingham a/k/a Janet Daszak, is an owner of the real property and improvements at 60 Viola Road, Suffern, NY 10901, in the County of Rockland, State of New York.

58. Upon information and belief, defendant Ecohealth Alliance Inc. is a foreign not-for-profit corporation authorized to do business in the State of New York, and having a principal place of business within the State of New York. At all relevant times, defendant Ecohealth maintained its principal offices in New York County, initially at 460 West 34th Street, Suite 1701, New York, NY 10001 and then at 520 8th Avenue, Suite 1200, New York, NY 10018. Upon information and belief, Ecohealth was initially organized under the laws of the Commonwealth of Massachusetts on or about July 20, 2000 and registered by Application for Authority with the New York filed with the Department of State on or about July 27, 2000. Upon information and belief, when initially organized, defendant Ecohealth was formed as Wildlife Trust Inc. and later changed its name to Ecohealth Alliance, Inc. by

filings with Massachusetts authorities, on or about June 22, 2010. Upon information and belief, defendant Ecohealth recorded its name change with the New York Department of State on or about August 12, 2011.

V. JURISDICTION AND VENUE

59. Pursuant to CPLR 301, the Supreme Court of the State of New York may properly exercise jurisdiction over the parties given that at relevant times they resided, were formed, and/or maintained their principal places of business within the State of New York.

60. Pursuant to CPLR 302(a)(1)(2),(4), the Supreme Court of the State of New York may properly exercise jurisdiction over any of the parties that may be a non-domiciliary of the State of New York given that at relevant times, within the State of New York, they transacted business, contracted to supply services, committed tortious acts leading to damages sustained by plaintiff, regularly does and solicits business, engaged in persistent courses of conduct, and/or owns, uses, or possesses real property in New York state.

61. The defendants transacted business, contracted to supply services, committed tortious acts leading to damages sustained by plaintiff, regularly does and solicits business, and engaged in persistent courses of conduct in the state of New York. Defendants Daszak and Cottingham own, use and possess real property in New York State, and, upon information and belief, defendant Ecohealth uses and possesses real property in New York state.

62. Pursuant to CPLR 302(a)(3), the New York State Courts may properly exercise jurisdiction for tortious acts committed outside the state of New York by a non-domiciliary of New York, that lead to injury sustained in New York, when the non-domiciliary regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered, in the state, or expects or should reasonably expect the act to have consequences in the state and derives substantial revenue from interstate or international commerce.

63. The defendants regularly do and solicit business, engaged in other persistent courses of conduct, derived substantial revenue from services rendered in the state of New York, derive substantial revenue from interstate commerce, derive substantial revenue from international commerce, and expect and/or should reasonably expect that their improper acts would have consequences in the state of New York.

64. Pursuant to CPLR 503(a), venue is properly fixed in the Supreme Court, New York County as it is the county in which a substantial part of the events or omissions giving rise to the claim occurred.

VI. FURTHER ALLEGATIONS OF FACT

65. Upon information and belief, the research performed in China at the Wuhan Lab, in conjunction with the defendants, included altering coronavirus to make it more transmittable amongst humans, and increase its virulence.

66. Upon information and belief, the SARS-CoV-2 virus, and the COVID-19 pandemic resulting from the improper release of the SARS-CoV-2 virus, are products of the research performed in conjunction with the defendants at the Wuhan Lab which was funded in part by funds given by defendants from federal grant income.

67. Even if SARS-CoV-2 was not engineered by the defendants, in conjunction with the Wuhan Lab, upon information and belief the defendants still had “control” over the Wuhan Lab being a funding source of and collaborator with the Wuhan Lab and should have properly protected the SARS-CoV-2 virus and secure it from leaks and unauthorized release or transmission. Additionally, the defendants failed to help, and indeed obstructed the timely public disclosure by China, the Wuhan Lab, and the WHO to timely warn the world and to invite travel bans, to mask-up, self-isolate, etc.

68. **“Enhanced Oversight” Required by President Trump in 2017.** Effective in or about December 2017, federal policy changed so as to again permit federal funding of gain of function research which had previously been the subject of a moratorium imposed by President Obama in 2014. During President Trump’s tenure, the framework established in 2017 required that any federal funding sought for gain of function research **be subject to enhanced oversight given the “biosafety and biosecurity risks associated with undertaking such research.”** See Ex. “40” - Department of Health and Human Services Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens, *available at* <https://www.phe.gov/s3/dualuse/Documents/p3co.pdf>, §

I, last accessed August 13, 2021.

69. **“Potential Pandemic Pathogen.”** Pursuant to the guidelines, a “potential pandemic pathogen” [“PPP”] is “likely highly transmissible and likely capable of wide and uncontrollable spread in human populations” and “likely highly virulent and likely to cause significant morbidity and/or mortality in humans.” *Id.* at § II(A)(1)-(2).

70. Pursuant to the federal guidelines, “[a]n enhanced PPP is defined as a PPP resulting from the enhancement of the transmissibility and/or virulence of a pathogen. Enhanced PPPs do not include naturally occurring pathogens that are circulating in or have been recovered from nature, regardless of their pandemic potential.” *Id.* at § II(B). So, PPP is lab-created or lab-enhanced!

71. Upon information and belief, as a lab creation with enhanced transmissibility and virulence, SARS-CoV-2 is an enhanced PPP.

72. Given the risks associated with enhanced PPP, the guidelines require that proposed gain of function research that may be funded by a federal agency is subject to additional review by the Department of Health and Human Services. *Id.* at § II(D).

73. Upon information and belief, in an act of gross negligence and/or negligence, the defendants omitted reference to the gain of function elements of their coronavirus research being conducted with the Wuhan Lab in submissions for federal funding.

74. Upon information and belief, in an act of gross negligence and/or negligence, the defendants omitted reference to the CRISPR elements of their coronavirus research being conducted at the Wuhan Lab in submissions for federal funding.

75. “**Serial Passage.**” Upon information and belief, in an act of gross negligence and/or negligence, the defendants omitted reference to the serial passage elements of their coronavirus research being conducted at the Wuhan Lab in submissions for federal funding.

76. Upon information and belief, in an act of gross negligence and/or negligence, the defendants omitted reference to capabilities of altering coronaviruses from their submissions for federal funding to avoid detection of the risks to human safety associated with the research and to evade enhanced HHS oversight.

77. In or about February 2020, during the early stages of the pandemic in the United States, as theories as to the source and origin of the SARS-CoV-2 virus causing COVID-19 were being voiced, defendant Daszak coordinated the authorship and group signing of a letter to medical journal *Lancet*, without supporting research, intending to intimidate the scientific community into accepting, as a fact, that the COVID-19 pandemic occurred naturally - knowing that it was actually lab created.

78. Notwithstanding Daszak’s claims, upon information and belief, during the Summer and Fall of 2019, personnel at the Wuhan Lab began developing COVID-19 symptoms - long before the outbreak was first reported publicly.

79. Notwithstanding Daszak's claims, upon information and belief, there had been prior breaches of bio-security involving SARS viruses at PRC laboratories, including the Wuhan Lab.

80. On or about January 15, 2021, the United States Department of State issued a "fact sheet" which reported, in part, that:

The CCP's deadly obsession with secrecy and control comes at the expense of public health in China and around the world. The previously undisclosed information in this fact sheet, combined with open-source reporting, highlights three elements about COVID-19's origin that deserve greater scrutiny:

1. Illnesses inside the Wuhan Institute of Virology (WIV):
 - ◆ The U.S. government has reason to believe that several researchers inside the WIV became sick in autumn 2019, before the first identified case of the outbreak, with symptoms consistent with both COVID-19 and common seasonal illnesses. This raises questions about the credibility of WIV senior researcher Shi Zhengli's public claim that there was "zero infection" among the WIV's staff and students of SARS-CoV-2 or SARS-related viruses.
 - ◆ Accidental infections in labs have caused several previous virus outbreaks in China and elsewhere, including a 2004 SARS outbreak in Beijing that infected nine people, killing one.
 - ◆ The CCP has prevented independent journalists, investigators, and global health authorities from interviewing researchers at the WIV, including those who were ill in the fall of 2019. Any credible inquiry into the origin of the virus must include interviews with these researchers and a full accounting of their previously unreported illness.
2. Research at the WIV:
 - ◆ Starting in at least 2016 - and with no indication of a stop prior to the COVID-19 outbreak - WIV researchers conducted experiments involving RaTG13, the bat coronavirus identified by the WIV in

January 2020 as its closest sample to SARS-CoV-2 (96.2% similar). **The WIV became a focal point for international coronavirus research after the 2003 SARS outbreak and has since studied animals including mice, bats, and pangolins.**

- ◆ The WIV has a published record of conducting "gain-of-function" research to engineer chimeric viruses. But the WIV has not been transparent or consistent about its record of studying viruses most similar to the COVID-19 virus, including "RaTG13," **which it sampled from a cave in Yunnan Province in 2013 after several miners died of SARS-like illness.**
 - ◆ WHO investigators must have access to the records of the WIV's work on bat and other coronaviruses before the COVID-19 outbreak. As part of a thorough inquiry, they must have a full accounting of why the WIV altered and then removed online records of its work with RaTG13 and other viruses.
3. Secret military activity at the WIV:
- ◆ Secrecy and non-disclosure are standard practice for Beijing. For many years the United States has publicly raised concerns about China's past biological weapons work, which Beijing has neither documented nor demonstrably eliminated, despite its clear obligations under the Biological Weapons Convention.
 - ◆ Despite the WIV presenting itself as a civilian institution, the United States has determined that the WIV has collaborated on publications and secret projects with China's military. The WIV has engaged in classified research, including laboratory animal experiments, on behalf of the Chinese military since at least 2017.
 - ◆ **The United States and other donors who funded** or collaborated on civilian research at the WIV have a right and obligation to determine whether any of our research funding was diverted to secret Chinese military projects at the WIV.

Today's revelations just scratch the surface of what is still hidden about COVID-19's origin in China. Any credible investigation into the origin of COVID-19 demands complete, transparent access to the research labs in

Wuhan, including their facilities, samples, personnel, and records.

As the world continues to battle this pandemic - and as WHO investigators begin their work, after more than a year of delays - the virus's origin remains uncertain. The United States will continue to do everything it can to support a credible and thorough investigation, including by continuing to demand transparency on the part of Chinese authorities.

See **Ex. "41"** - Fact Sheet: Activity at the Wuhan Institute of Virology, *available at* <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>, *last accessed* Aug. 13, 2021(**emphasis added**); see also **Ex. "42"** - The Times, China, the WHO and the power grab that fuelled a pandemic by Jonathan Calvert and George Arbuthnott, *available at* <https://www.thetimes.co.uk/article/china-the-who-and-the-power-grab-that-fuelled-a-pandemic-3mt05m06n>, *last accessed* Aug. 15, 2021; see also **Ex. "43"** - Bitter Winter, Virus "Likely" Originated in a Wuhan Laboratory, WHO Top Expert Admits, by Massimo Introvigne, *available at* <https://bitterwinter.org/virus-likely-originated-in-a-wuhan-laboratory-who-now-admits/>, *last accessed* Aug. 17, 2021.

81. Upon information and belief, in or about 2012, miners working in or around the Yunnan province of southern China became infected with a coronavirus. Each of the miners developed symptoms like those of COVID-19 and half died.

82. Upon information and belief, viral samples from the infected miners were taken to the Wuhan Lab.

83. Upon information and belief, as reported by the State Department, the Wuhan Lab conducted gain of function research leading to likely development chimeric viruses -

man made viruses created by combining parts of different microorganisms capable of replicating.

84. Upon information and belief, as also reported by the State Department, the Wuhan Lab has performed research in conjunction with the PLA.

85. Upon information and belief, at the onset of the outbreak of SARS-CoV-2, the SARS-CoV-2 virus was itself already well adapted to human cells.

86. After the outbreak of SARS-CoV-2 became publicized, local and national authorities in China took actions to destroy evidence and prevent required disclosures.

87. Upon information and belief, based on the research conducted by the defendants, in conjunction with the Wuhan Lab, the PRC prevented the WHO from having putative investigators enter China for approximately one month after the SARS-CoV-2 outbreak became publicized. At the same time, the defendants pressured the WHO to not declare the SARS-CoV-2 outbreak an international emergency. Indeed, with material support of his related co-defendants, Daszak, argued for, and pushed, China and/or WHO to not timely or fully disclose the whole truth about COVID-19 - its lab creation, and weaponization into a biowarfare agent.

88. Upon information and belief, in or about December 2019 to January 2020, the PRC placed the PLA in control of the Wuhan Lab with the Chinese military's top bio-weapons expert, Chen Wei, assigned to lead efforts at containment.

89. Because of the risk to the population of humans worldwide, including the

plaintiff, the defendants had a duty of care to maintain their research under an appropriate biosafety level while implementing proper protective measures to protect the public at large, as well as those working in the laboratory and the environment.

90. Because of the risks associated with SARS and similar viruses, the defendants knew, or should have known, that biosafety and biosecurity were paramount.

91. The defendants had a duty to perform an appropriate risk assessment with respect to their coronavirus research and, upon information and belief, the defendants failed to do so, or worse, in a criminal disregard of their civil obligations, the defendants knew the risks were devastatingly dangerous, and ignored them, and covered them up - as with their group letter published in *Lancet*.

92. Upon information and belief, as part of an appropriate risk assessment, the defendants had a duty to evaluate a host of parameters, or demand Wuhan Lab so evaluate, including, but not necessarily limited to: the means by which coronaviruses were transmitted, how they cause disease in humans and other life forms, the types of activities that would be performed involving the virus, the availability of preventative countermeasures - physical and medical - in the event of a suspected leak, the design of the laboratory and the safety equipment located within it, and the education, training and skills of the personnel handling the virus and any resulting product, and upon information and belief, the defendants failed to do so.

93. Because coronaviruses are airborne the defendants were under a duty to use or

demand enhanced bio-safety containment, and, upon information and belief, failed to do so.

94. At a minimum, the defendants were under a duty to perform all research and maintain airborne virus under not less than biosafety level 3 conditions, or demand that the Wuhan Lab follow such protocols, yet, upon information and belief, failed to do so.

95. Upon information and belief, while the Wuhan Lab is held out as having biosafety level 4 capabilities, upon information and belief, such capabilities, to the extent they really exist, were not employed with respect to the research performed by the defendants, in conjunction with the Wuhan Lab, that led to SARS-CoV-2 and the COVID-19 pandemic.

96. Upon information and belief, the defendants knew that the United States Department of State had sent diplomatic personnel to the Wuhan Lab in or about 2018, which led to warnings about poor safety and lax management at the Wuhan Lab.¹³

97. These warnings also referenced the Wuhan Lab's work on coronaviruses and their potential for transmission to humans leading to a pandemic.

98. United States personnel further warned that the Wuhan Lab lacked appropriate staffing with properly trained and experienced personnel to securely operate a laboratory requiring enhanced containment.

99. Notwithstanding the defendants' duty to protect the public at large, including

¹³See Opinion: State Department cables warned of safety issues at Wuhan lab studying bat coronaviruses, *available at* <https://www.washingtonpost.com/opinions/2020/04/14/state-department-cables-warned-safety-issues-wuhan-lab-studying-bat-coronaviruses/>, *last accessed* Aug. 16, 2021.

the plaintiff, from the risks of exposure to coronaviruses, SARS, and the SARS-CoV-2 product of their research - leading to COVID-19 disease, the defendants breached this duty and disregarded warnings about safety breaches and lax biosecurity at the Wuhan Lab.

100. Upon information and belief, the defendants' knowledge of lax safety at the Wuhan Lab required their objection and demand for remedial action and immediate closure of the putative biosafety labs at the Wuhan Lab. Instead, the defendants just negligently filled out federal grant applications omitting reference to federal funding agencies that the research they were performing, included gain of function, CRISPR, and/or serial passage.

101. Upon information and belief, the defendants failures to maintain appropriate containment at the Wuhan Lab permitted SARS-CoV-2 to leave the laboratory setting and enter the public.

102. As an airborne virus, SARS-CoV-2 was readily transmittable amongst humans causing it to spread quickly.

103. Upon information and belief, the SARS-CoV-2 virus is, by design, more pathogenic than other coronaviruses.

104. Upon information and belief, the defendants knew that personnel at the Wuhan Lab had fallen ill *inter alia* in the Summer and Fall of 2019; however, the defendants did not formally report this information to authorities in the United States, the WHO, or anywhere else - but they did inform NIAID's Anthony Fauci on an "off the record" basis - who also kept it "secret," in violation of his fiduciary duties owed to NIAID, POTUS, Congress, and

inter alia all Americans.

105. Upon information and belief, the defendants and the Wuhan lab concealed the fact that illnesses were occurring - over the years - amongst personnel at the Wuhan Lab.

106. The first mention out of the PRC of any viral ailment was, upon information and belief, from the Wuhan Municipal Health Commission referencing “viral pneumonia” on, or about December 31, 2019.

107. Upon information and belief, the defendants knew that the causes of viral pneumonia that were reported in the PRC was SARS-CoV-2 yet held that information from public health authorities, including the WHO and the United States, despite federal tax dollars being used to fund the Wuhan Labs through the defendants’ use of federal grant monies.

108. **WHO speaks for the first time on or about January 9, 2020.** Upon information and belief, on or about January 9, 2020, the WHO first announced that the PRC reported that the illnesses were caused by a “novel coronavirus” and on or about January 11, 2020, the WHO claimed to have received genetic sequences for the novel coronavirus from the PRC.

109. Upon information and belief, the PRC did not disclose genetic sequences, or any other information about “Patient(s) Zero” - the first to develop what is now known as COVID-19. As a result of pressure and misinformation from the defendants that omission was concealed from public reporting by the WHO.

110. Notably, upon information and belief, media in the PRC reported the first death from what is now known as COVID-19 on the same day that the WHO claimed to have received “genetic sequences” from the PRC.

111. Upon information and belief, on or about January 13, 2020, the first cases of what is now known as COVID-19 was reported in Thailand, on or about January 15, 2020 in Japan, and on or about January 20, 2020 in South Korea.

112. It was later learned that these first reported cases were not the first cases outside of China but that earlier cases had existed in Asia and Europe, originating from China, in or about Summer -Fall of 2019.

113. Upon information and belief, on or about January 21, 2020, the first United States case of what is now known as COVID-19 was reported in Washington State. According to the CDC, “[t]he patient recently returned from Wuhan, China, where an outbreak of pneumonia caused by this novel coronavirus has been ongoing since December 2019.” *See* First Travel-related Case of 2019 Novel Coronavirus Detected in United States, *available at* <https://www.cdc.gov/media/releases/2020/p0121-novel-coronavirus-travel-case.html>, *last accessed* July 30, 2021.

114. Upon information and belief, on or about February 2, 2020, the first death from COVID-19 reported outside of China occurred in the Philippines.

115. It was later learned that others had died outside of China from COVID-19; however, given the defendants and PRC’s concerted efforts to conceal the cause and origin

of SARS-CoV-2 and COVID-19, avoidance, detection, diagnosis, and treatment were delayed worldwide.

116. Upon information and belief, on or about February 3, 2020 the United States declared a public health emergency associated with SARS-CoV-2 and what is now known as COVID-19.

117. Upon information and belief, on or about February 14, 2020 the first COVID-19 death in Europe was reported in France. Shortly thereafter, COVID-19 cases began surging in Europe, particularly in Italy.

118. It was later learned that people had previously died in Europe from COVID-19; however, those cases were belatedly diagnosed given the concerted efforts of the defendants and the PRC to conceal the cause and origin of SARS-CoV-2 and COVID-19, leading to misidentification and delays in accurate detection, diagnosis, and treatment.

119. Upon information and belief, on or about February 29, 2020, the first death from COVID-19 was reported in the United States near Seattle, Washington.

120. Upon information and belief, it was later learned that 2 people had previously died in the United States from COVID-19; however, the nexus to COVID-19 and their deaths was not reported until on or about April 21, 2020 when it was revealed that two Californians died from COVID-19 in Santa Clara County on February 6, 2020 and February 17, 2020.

121. Upon information and belief, the COVID-19 cause of death of those Santa Clara County cases was belatedly made given the concerted efforts of the defendants and the

PRC to conceal the cause and origin of SARS-CoV-2 and COVID-19, leading to misidentification and delays in accurate detection, diagnosis, and treatment

122. Upon information and belief, on or about March 15, 2020, the CDC recommended that no gatherings with more than 50 people be held. Moreover, the City of New York announced that all public schools would close.

123. Upon information and belief, on or about March 16, 2017, as the spread of SARS-CoV-2 and resulting COVID-19 increased, Latin American countries began to impose versions of quarantine, look-down or border shutdown. Likewise, on or about March 17, 2020, the European Union banned most travel into the Union.

124. Upon information and belief, on or about March 23, 2020, India grounded all domestic air travel and on March 24, 2020 imposed a lock-down, initially scheduled for 21 days.

125. Upon information and belief, by March 26, 2020, the United States was far and away the nation hardest hit by the COVID-19 pandemic. At that point, confirmed infections exceeded 81,000 with more than 1,000 deaths.

126. Upon information and belief, by on or about April 2, 2020, infection with SARS-CoV-2 and resulting COVID-19 had caused the reported illness of in excess of 1,000,000 people in more than 170 countries in 6 different continents, At that point the worldwide reported death toll was not less than 51,000 people.

127. Thus, in just months, the defendants' failures to exercise due care had caused

a pandemic that touched nearly the entire inhabited world.

128. The financial crisis caused by the pandemic was devastating. In just weeks, in excess of 10,000,000 people in the United States lost their jobs. Upon information and belief, during the last week of March, 2020, more than 6 ½ million people applied for unemployment benefits.

129. Upon information and belief, by April 26, 2020, the worldwide rate of reported COVID-19 illnesses had increased to nearly 3,000,000 people, with approximately 200,000 people having died.

130. Upon information and belief, on or about May 5, 2020, French authorities reported that a patient diagnosed with pneumonia in December 2019 had been positive for SARS-CoV-2. This revelation established that the virus and COVID-19 disease were present prior than had previously been believed. Such delays in attribution were the result of the concerted efforts of the defendants and the PRC to conceal the cause and origin of SARS-CoV-2 and COVID-19, leading to misidentification, delays in avoidance, accurate detection, diagnosis, and treatment.

131. Upon information and belief, on or about July 10, 2020, the United States reported a single day SARS-CoV-2 positive rate of approximately 68,000 new infections.

132. Upon information and belief, on or about July 17, 2020, the total rate of infection in India reached approximately 1,000,000 cases leading to the deaths of 25,000 people. The Indian government then reimposed lock-downs.

133. Upon information and belief, in July 2020 nearly 2 million new COVID-19 infections occurred in the United States. Shortly thereafter, the death toll in the United States reached 150,000 people.

134. Upon information and belief, on or about September 22, 2020, the reported death toll from COVID-19 in the United States exceeded 200,000 people. Shortly thereafter, on or about September 28, 2020 it was reported that the global reported COVID-19 death toll reached 1,000,000.

135. Upon information and belief, on or about October 11, 2020 there was a worldwide increase of 1,000,000 new SARS-CoV-2 infections in just 3 days.

136. Upon information and belief, by on or about November 8, 2020, the United States reached a total COVID-19 case count of 10,000,000 different infections. Thereafter, on or about November 18, 2020, the COVID-19 death toll in the United States reached 250,000 people.

137. Upon information and belief, on or about December 11, 2020, the Food and Drug Administration ["FDA"] issued an Emergency Use Authorization ["EUA"] for administration of the Messenger RNA ("mRNA") vaccine developed by Pfizer. Thereafter, on or about December 18, 2020, an EUA was issued for a vaccine developed by Moderna. Subsequently, on or about February 27, 2021, an EUA was issued for a vaccine developed by the Janssen division of Johnson & Johnson.

138. Upon information and belief, by on or about July 16, 2021, more than

34,000,000 different SARS-CoV-2 infections had been diagnosed in the United States.

139. The defendants knew, or should have known, that by performing gain of function research on a coronavirus the ultimate product would be more readily transmitted from human to human, making it more dangerous.

140. The defendants knew, or should have known, that by performing CRISPR research on a coronavirus the ultimate product would be more readily transmitted from human to human, making it more dangerous.

141. The defendants knew, or should have known, that by performing serial passage research on a coronavirus the ultimate product would be more readily transmitted from human to human, making it more dangerous.

142. The defendants knew, or should have known, that by performing the type(s) of coronavirus research they were performing in conjunction with the Wuhan Lab that the ultimate product would be more readily transmitted from human to human, making it more dangerous.

143. Upon information and belief, the defendants knew that the research they were conducting in conjunction with the Wuhan Lab was destined to create a more readily transmittable virus.

144. Upon information and belief, the defendants knew that the research they were conducting in conjunction with the Wuhan Lab was destined to create a more pathogenic

virus.

145. Upon information and belief, the defendants knew that the research they were conducting in conjunction with the Wuhan Lab was destined to create a more virulent virus.

146. Upon information and belief, the defendants knew that the research they were conducting in conjunction with Wuhan Lab exposed the public at large, including the plaintiff, to risks of exposure, illness, and death.

147. Whether the defendants, in conjunction with the Wuhan Lab, created SARS-CoV-2, or simply had it in their care, they owed the same duty to the public to maintain necessary bio-safety and bio-security standards to prevent release.

148. Upon information and belief, the defendants disregarded the risks to the public associated with the research they were conducting in conjunction the Wuhan Lab and put their own interests over the interests and well being of the rest of the world, including the plaintiff.

149. Upon information and belief, the defendants sought to cover up their involvement in the creation of SARS-CoV-2, leading to the global COVID-19 pandemic.

150. Upon information and belief, the defendants sought to cover up their involvement in the release into the public of SARS-CoV-2, leading to the global COVID-19 pandemic.

151. Upon information and belief, the cover up included, but is not necessarily limited to

- i. pressuring members of the scientific community to avoid investigating even the possibility of a leak at the Wuhan Lab;
- ii. pressuring members of the scientific community to avoid consideration of a laboratory-created or other non-natural origin of SARS-CoV-2;
- iii. distancing research at the Wuhan Lab as a source and origin for SARS-CoV-2 in Daszak's conflict-of-interest capacity as a putative investigator for the WHO - while keeping personnel qualified to investigate laboratory leaks off of the putative investigative team, not conducting any swabs or testing of the Wuhan Lab, not reviewing laboratory logs, safety books, laboratory books, research plans and bio collections, and not performing any laboratory audits (*see Exs. 42-43, supra*);
- iv. distancing research at the Wuhan Lab as a source and origin for SARS-CoV-2 in Daszak's conflict-of-interest capacity as a putative investigator for *Lancet* before belatedly "recusing" himself, when his conflict-of-interest became public and shamed him as being, *inter alia*, corrupt;
- v. communications with Anthony S. Fauci, M.D., director of the National Institute of Allergy and Infectious Diseases ["NIAID"] when serving on the White House Coronavirus Task Force expressing appreciation, on behalf of himself and his collaborators, which includes the Wuhan Lab, for downplaying the possibility of a leak at the Wuhan Lab - when that is where the SARS-CoV-2 origin is. *See Ex. 18, supra*;

152. Upon information and belief, by working to suppress information about the

cause and origin of SARS-CoV-2 and the resulting COVID-19 pandemic, the defendants stymied efforts to obtain information concerning “Patient(s) Zero” and the original human genetic sequences of SARS-CoV-2 for Summer - Fall of 2019.

153. By working to suppress information about the cause and origin of SARS-CoV-2 and the resulting COVID-19 pandemic, the defendants served to prevent a genetic and biologic comparison from the true “Patient(s) Zero” as compared to the first “reported” cases of “viral pneumonia” that were actually COVID-19.

154. Upon information and belief, by working to suppress information about the cause and origin of SARS-CoV-2 and the resulting COVID-19 pandemic, the defendants directed focus at animals sold at Wuhan's Huanan Seafood Wholesale Market [“wet market”].

155. Upon information and belief, this misdirection was ultimately disproved given tissue samples from animals sold at the market showed no signs of the SARS-CoV-2 virus.

156. Upon information and belief, as conservationists the defendants wanted to see the wet market shut down and directed negative, albeit incorrect, attention about cause and origin of SARS-CoV-2 to the wet market to achieve that goal.

157. Upon information and belief, the defendants’ acts and omissions had a high degree of moral culpability which manifested a conscious disregard of the rights of others, including the plaintiff.

158. Upon information and belief, the defendants’ conduct was so reckless that

it amounted to a disregard of the rights of others, including the plaintiff.

159. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet intentionally avoided taking necessary safeguards to protect the public at large, including the plaintiff.

160. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet, with reckless indifference to the rights of the public, including plaintiff, the defendants avoided taking necessary safeguards to protect the public at large, including the plaintiff.

161. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet failed to exercise even slight care in protecting the public at large, including the plaintiff.

162. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet failed to exercise reasonable care in protecting the public at large, including the plaintiff.

163. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet failed to exercise even slight diligence in protecting the public at large, including the plaintiff.

164. Upon information and belief, the defendants knew of the risks to the public associated with their coronavirus research yet failed to exercise even due diligence in protecting the public at large, including the plaintiff.

165. Upon information and belief, the release of SARS-CoV-2 from the Wuhan Lab was reasonably foreseeable by the defendants.

166. Upon information and belief, human disease resulting from exposure to and infection with SARS-CoV-2 was reasonably foreseeable by the defendants.

167. As recently reported, an examination of patents issued in China disproves claims made by Daszak and others, Indeed,

Investigating the murky origins of Covid-19 in Wuhan led to the discovery of Chinese patents of concern. Patents to Wuhan Institute of Virology include CN208317981U for cages to rear carnivorous bats and CN112205352A for a six-step method of artificial breeding of wild bats with predatory insects. This disproves the denials of presence of bats by the Wuhan Institute of Virology and its collaborators like Dr Peter Daszak of EcoHealth Alliance. . . CN111218459B, the first patent for a Covid-19 vaccine virus was awarded to the Institute of Military Medicine, Chinese Academy of Military Sciences in conjunction with CanSinoBIO, a Chinese vaccine maker, for application CN202010193587.8 filed as early as on 18 March 2020. On 23 June 2021, Tom Blackwell of National Post reported how Winnipeg lab scientist Xiangguo Qiu, who was fired for stealing intellectual property and lethal virus samples, is listed as co-inventor on two Chinese government virus patents based on work in Canada.

See The Sunday Guardian, Dr P.S.Venkatesh Rao, Follow the patents trail to find Covid-19 origin (Aug. 14, 2021), *available at* <https://www.sundayguardianlive.com/news/follow-patents-trail-find-covid-19-origin>, last accessed Aug. 16. 2021.

168. As a result of the defendants failures to exercise care, in violation of the duties they owed to the public, including the plaintiff, the plaintiff was exposed to the SARS-CoV-2 virus and, as a result, developed COVID-19 disease which initially manifested itself with symptoms in or about March 14, 2020.

169. The plaintiff's COVID-19 symptoms in March 2020 included high fever, difficulty breathing, cough, significant fatigue, malaise, lethargy, and, *inter alia*, neurological symptoms to the legs.

170. Plaintiff is a "long haul" COVID-19, experiencing conditions post active infection with SARS-CoV-2 virus and the resulting COVID-19 disease.

171. Plaintiff's "long haul" COVID-19 conditions, which developed or were exacerbated or otherwise triggered as a result of COVID-19 include, but are not necessarily limited to, skin disorders, including, repeat rupture of skin to underlying tissue in multiple fingers, including thumb, exacerbated nerve pain and discomfort, lack of control over body functions, explosive exacerbation of preexisting A1C levels to 9.2 and a resulting diabetes diagnosis on April 22, 2021, impaired lipid metabolism leading to elevated cholesterol, need for medication and supplements, and perceived risk of diminished life expectancy and deteriorated end of life conditions.

172. As a result of exposure to infection with the SARS-CoV-2 virus and resulting COVID-19 disease, the plaintiff experienced personal injury economic loss.

173. As a result of suffering from COVID-19 and the financial impact of the COVID-19 pandemic on the global economy generally, and the economy in the New York metropolitan area in particular, the plaintiff had to stop work, close his Manhattan office for a significant period of time, refrain from personal client contact, and transition to remote

work, at significant cost.

**FIRST CAUSE OF ACTION
Gross Negligence**

174. Plaintiff repeats and realleges the prior paragraphs of this Complaint.

175. The defendants, and those working in furtherance of their business and within the scope of their authority, owed the plaintiff a duty to maintain their research under an appropriate biosafety level while implementing proper protective measures to protect the public at large, as well as those working in the laboratory and the environment, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

176. The defendants, and those working in furtherance of their business and within the scope of their authority, breach that duty and failed to maintain their research under an appropriate biosafety level, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

177. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to implement proper protective measures.

178. The defendants, and those working in furtherance of their business and within the scope of their authority, owed the plaintiff a duty to perform an appropriate risk

assessment with respect to their coronavirus research.

179. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to perform an appropriate risk assessment.

180. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to use enhanced bio-safety containment processes.

181. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to use enhanced bio-safety containment processes.

182. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to protect him from the risks of exposure to coronaviruses, SARS, and the SARS-CoV-2 product of their research - leading to COVID-19 disease.

183. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to protect plaintiff from the risks of exposure to coronaviruses, SARS, and the SARS-CoV-2 product of their research - leading to COVID-19 disease.

184. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duties to the plaintiff by disregarding warnings

about safety breaches and lax biosecurity at the Wuhan Lab.

185. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to maintain necessary bio-safety and bio-security standards to prevent release of coronaviruses, SARS, and the SARS-CoV-2 product of their research.

186. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duties to the plaintiff by failing to maintain necessary bio-safety and bio-security standards to prevent release of coronaviruses, SARS, and the SARS-CoV-2 product of their research.

187. The defendants, and those working in furtherance of their business and within the scope of their authority, disregarded the risks to the plaintiff associated with the research they were conducting in conjunction with the Wuhan Lab and put their own interests over the interests and well being of the rest of the world, including the plaintiff.

188. The acts and omissions of the defendants, and those working in furtherance of their business and within the scope of their authority, had a high degree of moral culpability which manifested a conscious disregard of the rights of others, including the plaintiff.

189. The conduct of the defendants, and those working in furtherance of their business and within the scope of their authority, was so reckless that it amounted to a disregard of the plaintiff's rights.

190. The conduct of the defendants, and those working in furtherance of their business and within the scope of their authority, acted with a criminal disregard of the civil obligations they owed to the plaintiff.

191. The defendants, and those working in furtherance of their business and within the scope of their authority, knew of the risks to the public, including the plaintiff, that were associated with their coronavirus research, yet intentionally avoided taking necessary safeguards to protect the public at large, including the plaintiff.

192. By intentionally avoiding necessary safeguards to protect the plaintiff, in violation of a duty, the defendants, and those working in furtherance of their business and within the scope of their authority, were grossly negligent.

193. The defendants, and those working in furtherance of their business and within the scope of their authority, knew of the risks to the public, including the plaintiff, associated with their coronavirus research, yet, with reckless indifference to the plaintiff's rights the defendants avoided taking necessary safeguards to protect the plaintiff.

194. By avoiding necessary safeguards to protect the plaintiff, in reckless indifference to the plaintiff's rights, the defendants, and those working in furtherance of their business and within the scope of their authority were grossly negligent.

195. The defendants, and those working in furtherance of their business and within the scope of their authority, knew of the risks to the public, including the plaintiff, associated with their coronavirus research yet failed to exercise even slight care in protecting the

plaintiff.

196. By failing to exercise even slight care in protecting the plaintiff from known risks associated with their coronavirus research, the defendants, and those working in furtherance of their business and within the scope of their authority, were grossly negligent.

197. The defendants, and those working in furtherance of their business and within the scope of their authority, knew of the risks to the public, including the plaintiff, associated with their coronavirus research yet failed to exercise even slight diligence in protecting the plaintiff.

198. By failing to exercise even slight diligence in protecting the plaintiff from known risks associated with their coronavirus research, the defendants, and those working in furtherance of their business and within the scope of their authority, were grossly negligent.

199. As a result of the gross negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by exposure to the SARS-CoV-2 virus and, as a result, developing COVID-19 disease which initially manifested itself with symptoms in or about March 14, 2020.

200. As a result of the gross negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by developing and suffering symptoms

of COVID-19 and sequella of this Frankenstein disease and its known and unknown symptoms.

201. As a result of the gross negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by developing and suffered “long haul” symptoms and sequella of COVID-19.

202. As a result of the gross negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff sustained economic damages.

203. The limitations on liability set forth in CPLR 1601 do not apply to this action by reason of one or more of the exceptions set forth in CPLR 1602.

204. That as a result of the foregoing, the plaintiff has been damaged in a sum which exceeds the jurisdictional limitations of all lower Courts which would otherwise have jurisdiction over this action.

205. The plaintiff respectfully requests a judgment against the defendants for nominal, compensatory and punitive damages in an amount that will fairly and adequately compensate the plaintiff as well as deter the defendants from ever acting in such a harmful and deceitful manner.

SECOND CAUSE OF ACTION
Negligence

206. Plaintiff repeats and realleges the prior paragraphs of this Complaint, except those allegations contained in ¶¶ 191-192, *supra*.

207. The defendants, and those working in furtherance of their business and within the scope of their authority, owed the plaintiff a duty to maintain their research under an appropriate biosafety level while implementing proper protective measures to protect the public at large, as well as those working in the laboratory and the environment, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

208. The defendants, and those working in furtherance of their business and within the scope of their authority, breach that duty and failed to maintain their research under an appropriate biosafety level, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

209. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to implement proper protective measures, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

210. The defendants, and those working in furtherance of their business and within

the scope of their authority, owed the plaintiff a duty to perform an appropriate risk assessment with respect to their coronavirus research.

211. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to perform an appropriate risk assessment.

212. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to use enhanced bio-safety containment processes.

213. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to use enhanced bio-safety containment processes.

214. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to protect him from the risks of exposure to coronaviruses, SARS, and the SARS-CoV-2 product of their research - leading to COVID-19 disease.

215. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duty and failed to protect plaintiff from the risks of exposure to coronaviruses, SARS, and the SARS-CoV-2 product of their research - leading to COVID-19 disease.

216. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duties to the plaintiff by disregarding warnings about safety breaches and lax biosecurity at the Wuhan Lab.

217. The defendants, and those working in furtherance of their business and within the scope of their authority, owed plaintiff a duty to maintain necessary bio-safety and bio-security standards to prevent release of coronaviruses, SARS, and the SARS-CoV-2 product of their research, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

218. The defendants, and those working in furtherance of their business and within the scope of their authority, breached their duties to the plaintiff by failing to maintain necessary bio-safety and bio-security standards to prevent release of coronaviruses, SARS, and the SARS-CoV-2 product of their research, so that there would be no leak of SARS-CoV-2 from the Wuhan Lab and nobody working at or visiting the Wuhan Lab could get infected by SARS-CoV-2 and upon leaving the Wuhan Lab become a spreader of the virus.

219. The acts and omissions of the defendants, and those working in furtherance of their business and within the scope of their authority, had a high degree of moral culpability

220. By breaching their duty of care to the plaintiff, the defendants, and those working in furtherance of their business and within the scope of their authority, were negligent.

221. As a result of the negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by exposure to the SARS-CoV-2 virus and, as a result, developing COVID-19 disease which initially manifested itself with symptoms in or about March 14, 2020.

222. As a result of the negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by developing and suffering symptoms of COVID-19 and known and unknown sequella of those symptoms.

223. As a result of the negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff was damaged by developing and suffered “long haul” symptoms and known and unknown sequella of COVID-19.

224. As a result of the gross negligence of the defendants, and those working in furtherance of their business and within the scope of their authority, in violation of the duties they owed to the plaintiff, the plaintiff sustained economic damages.

225. The limitations on liability set forth in CPLR 1601 do not apply to this action by reason of one or more of the exceptions set forth in CPLR 1602.

226. That as a result of the foregoing, the plaintiff has been damaged in a sum which exceeds the jurisdictional limitations of all lower Courts which would otherwise have

jurisdiction over this action.

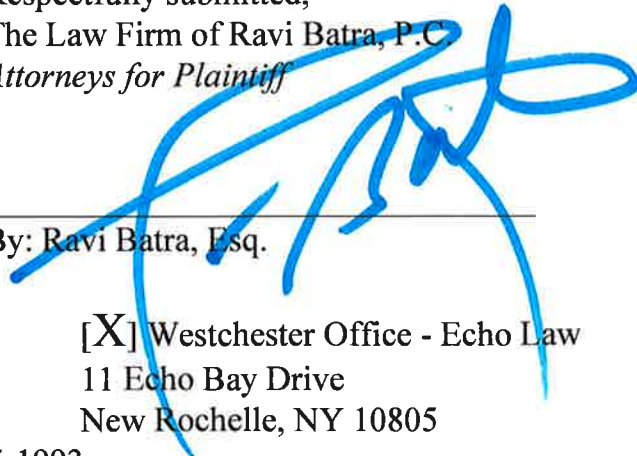
227. The plaintiff respectfully requests a judgment against the defendants for nominal, compensatory and punitive damages in an amount that will fairly and adequately compensate the plaintiff as well as deter the defendants from ever acting in such a harmful and deceitful manner.

WHEREFORE, judgment is demanded by the plaintiff against the defendants on each of the three causes of action, together with pre and post-judgment interest, along with the costs and disbursements of this action, and such other and further relief favorable to the plaintiff as the Court deems just and proper.

Dated: August 17, 2021

Respectfully submitted,
The Law Firm of Ravi Batra, P.C.
Attorneys for Plaintiff

By: Ravi Batra, Esq.



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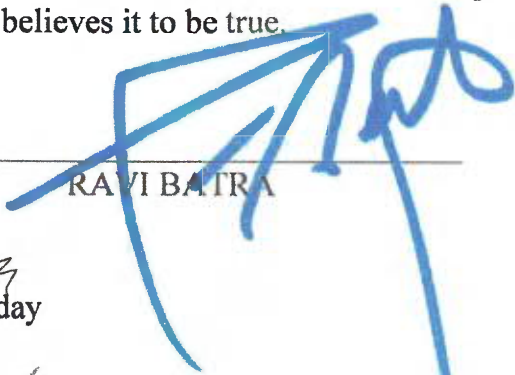
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VERIFICATION

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)


RAVI BATRA being duly sworn, states:

That he is the plaintiff in this action and that the foregoing Verified Complaint is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.



RAVI BATRA

Sworn to before me this 17th day
of August, 2021



Notary Public, State of New York

TODD B. SHERMAN
Notary Public, State of New York
Reg. No. 02SH6167491
Qualified in Westchester County
Commission Expires June 4, 2024

ENDNOTES

1. Batra's original Open Letter to POTUS TRUMP:

"APRIL 14, 2020

H.E. Donald J. Trump
President of the United States of America

H.E. Nancy Pelosi
Speaker, U.S. House of Representatives

H.E. Addison Mitchell McConnell, Jr.
Majority Leader, U.S. Senate

Re: Open Letter - M/O **Novel Coronavirus** Aka Covid19 Aka "2019-n-CoV" or "2019-nCoV" - Compensation Is Due from China; and If We Were Pearl Harbored, Then Reparations too.

Honorable Messrs Trump, Pelosi, and McConnell:

Let me begin with three obvious facts: first, the Chinese civilization is a great one, with many superlative contribution to humanity, including, empire building, martial arts, gun powder, tea, and perhaps, best of all, Confucius (who famously said: May you live in boring times); second, I am a Blessed survivor of Coronavirus, that at 104.3 fever, when I was on fire for 2-3 days, I was at the surreal edge between live and death, where I could calmly talk to God to allow me to live so I may serve and protect my family and serve the Greater Good. In my personal and intimate experience, I labeled Covid19 as a Trojan Horse, as it obviously has a very friendly "handshake" with every host's auto immune system to gain entry, before turning to destroy one's Walls of Troy; and third, today the known global Covid19 cases are 1,945,055, with 121,897 global deaths, total US cases of 584,073 with 23,700 deaths, and New York, our epicenter, nearly 11,000 New Yorker have died. As a disclaimer, I am an American first, a registered Democrat second, and I voted for Donald J. Trump in 2016. I applaud the President for standing up to China's unfair trade with us, and I am most troubled with her 24/7 global efforts to gain military and economic superiority on land, air, water and space, well beyond OBOR, and her continuing and enhanced misbehavior in South China Sea. Finally, yesterday, I specifically tweeted to dear Amb. Zhang Jun, China's PR, and to her bilateral Ambassador Cui - as "fairness, respect and personal honor requires me to invite you to respond to my Tweets I've made re China, WHO and Covid19." Unlike, on April 4, 2020, when PR Zhang and I respectfully conversed on Twitter, albeit, about the serious need for China to disclose the "Raw Truth" about Covid19, China's distinguished diplomats incredulously maintained "radio silence," when being forthcoming was what was required - both as a duty, and as reciprocal honor.

Recently, on April 9, 2020, House Oversight and Reform's Ranker Jim Jordon, and his

colleagues, sent a gentle letter to Dr. Tedros Adhanom Ghebreyesus, DG, of WHO. I join in said letter, albeit, I would not have been so gentle to a dishonest fiduciary, whose misconduct proximately caused the world's public health to lay in ruins and the world's economies were set adrift from both fiscal and monetary policies.

WHO breached its fiduciary-forensic duties owed to the world, as it dishonestly enjoyed being China's lap dog and purposefully issued false statements, and delayed declaring a pandemic so as to create a confusing record for nations' leaders, reasonably causing miscalculation. I had in days prior to Rep. Jordan's letter, called for an amendment to the UN Charter, to do away with the moth-balled Trusteeship Council and to replace it with a new Public Health UNSC, but named "UN Pandemic Council," with 12 Permanent Members and 9 or 13 Rotating Members, charged with Responsibility to Protect, a sovereignty-piercing power, and have OPCW, as well as a reconstituted WHO, albeit, re-named, and then report to it. I am happy to say, Philippines Foreign Minister, dear Teddy Locsin has publicly - on Twitter - approved my proposal, and other nations' Permanent Representatives have expressed interest in also supporting such a change to surgically remove the corruption-cancer and establish "clean margins" for honest fiduciary-forensics to protect the global Public Health.

It is a curious fact, that where-ever we have cut back in our contributions at the UN and her "organs," China for merely giving UN the funding-shortfall we created, has become the "cherry on top" of all such organs. This is wrong, and an insult to our mammoth contributions still being contributed, but, incredulously, taken for granted. The WHO ought be defrocked and defunded, while its function - only vital if the forensics are done consistent to high fiduciary duties - and then, it too, as reconstituted, report to the new proposed UN Pandemic Council.

The role and function of the United Nations is vital and important as ever, as the UNSC, charged with preventing WWII has handsomely succeeded, even as the weeds of local and regional wars have mushroomed. UN is celebrating its 75th Anniversary. Perfect time for some "spring-cleaning," and re-calibration to achieve necessary reforms to better effectuate the high ideals of the UN Charter. It is, after all, a paraphrased amalgam of our Declaration of Independence and our cherished Constitution, to help form a more perfect world.

Coronavirus - as a matter of biochemistry (see, "**1st documentary movie on the origins of CCP virus - Tracking Down the Origin of the Wuhan Coronavirus**" (The 1st Documentary) <http://youtu.be/Gdd7dtDaYmM>).

I rely upon this cited evidence, see below, as it credibly shows, and I credit it, that the "story of the Wuhan Seafood Market" is a pretext and an elegant cover-up, which is exposed as such with biochemistry: China denied there was any "human-to-human" transmission. Well, we know that to be a Big Lie, as we are all under a Lockdown to prevent "community spread," i.e. human-to-human transmission. Jon Cohen wrote in the Journal Science, "Wuhan seafood market may not be the source of novel virus spreading globally." In a paper entitled, The clinical features of patients with 2019 novel coronavirus in Wuhan, China, published in The Lancet, whose first author Huang Chaolin, Deputy Director of Jin Yin-Tan Hospital, and Dr. Sean Lin, who said:

- I. Symptom onset of the First Patient is on December 1, [2019] had NO relation to the Huanan Seafood market;
- II. No epidemiological link was found between the first patient and later cases;
- III. On December 10, [2019], there were 3 more cases, 2 cases of the 3 cases had NO relation to the Huanan Seafood Market;
- IV. Since December 15 [2019], a cluster of cases with a history of seafood market exposure have been reported;
- V. NO one sells BATS at the Wuhanan Seafood Market and NO BATS have been found.

Judy A. Mikovits PhD, Molecular Biologist, Former Director of Lab of Antiviral Mechanisms NCI said: There were no bats, and the idea of the spread so fast through the population is highly unlikely and improbable.

There were 99 confirmed cases at Jin Yin-Tan Hospital, of which 50 had NO exposure to Wuhanan Seafood Market.

45 of the 425 confirmed cases before January 22 [2020], had NO contact with the Wuhanan Seafood market, albeit, the secondary source of a virus appears to be mushrooming and overshadowing (cover-up) the original breach of the original virus.

Daniel Lucey, an epidemiologist at the University of Georgetown said the First case would have been infected by the virus already in November [2019] - if not earlier because there is an incubation time between infection and symptoms surfacing. [Means Wuhanan Seafood Market is a secondary source, not the primary source, and as a result of "community spread," at best, or a separate virus introduced to cover up the earlier one, at worst].

Gordan Chang, Asian Affairs Expert, and columnist, said: We know that Beijing for six (6) weeks in December [2019] and January [2020] suppressed information, before acknowledging on January 20th, and they then started a campaign of suppression of information, and on January 26th created a panel, and it was very heavy with propaganda officials. Indeed, the vice chairman of the group is the Communist Party's propaganda czar. The Communist Party Group imposed a false diagnostic criteria, starting with - must have contact with Wuhanan Seafood market, knowing a solid one-third of the cases had ZERO contact with Wuhanan Seafood Market. Thank God, they didn't impose a Bat-Bite requirement for their investigation. Hence, it was the start of an organized cover-up, and to mislead the world as to what China was really up to.

Gen. Robert Spalding, Senior Fellow Hudson Institute, and former NSC Senior Strategy Director, was in China when SARS happened. Same playbook.

Critical Evidence - The Mysterious Gene Sequence (from the !st Documentary):

The coronavirus, aka "2019-n-CoV" - has a 100% amino acid similarity in the nsp7 and E proteins with "Bat-SL-CoVZC45" and "Bat-SL-CoVZXC21, but worst of all, the "2019-n-CoV" - has a reversed-engineered and grafted-on in a lab of the natural-to-bats "receptor-binding" domain structure, the "mushrooms" on the surface, of the "SARS-CoV" - i.e. a transplantation of

the **Spike Glycoprotein(S)**, the natural “mushroom” on the surface of “SARS-CoV” is in a lab genetically added/spliced/grafted onto o “2019-n-CoV” - which I have, from personal experience, called a Trojan Horse to have a friendly “handshake,” is in fact accurate biochemically - as the “receptor-binding” unlocks the human cell, and enters the human body much easier! The SARS’ “Bat-SL-CoVZc45” and “Bat-SL-CoVZXC21” - with its natural Bat-based “mushrooms” on the surface - did not enter humans.

CDC’s Error: Curiously, the CDC.Gov site publishes the January 29, 2020 article in The Lancet - which gets into the genome characteristics of the subject coronavirus, aka “2019-n-coV” aka “2019-nCov,” at

(<https://www.cdc.gov/coronavirus/2019-ncov/downloads/genomic-characterization-of-2019-nCoV-Lancet-1-29-2020.pdf>), which states the predicate findings, as

“The ten genome sequences of 2019-nCoV obtained from the nine patients were extremely similar, exhibiting more than 99·98% sequence identity. Notably, 2019-nCoV was closely related (with 88% identity) to two bat-derived severe acute respiratory syndrome (SARS)-like coronaviruses, bat-SL-CoVZC45 and bat-SL-CoVZXC21, collected in 2018 in Zhoushan, eastern China, but were more distant from SARS-CoV (about 79%) and MERS-CoV (about 50%). Phylogenetic analysis revealed that 2019-nCoV fell within the subgenus Sarbecovirus of the genus Betacoronavirus, with a relatively long branch length to its closest relatives bat-SL-CoVZC45 and bat-SL-CoVZXC21, and was genetically distinct from SARS-CoV. Notably, homology modelling revealed that 2019-nCoV had a similar receptor-binding domain structure to that of SARS-CoV, despite amino acid variation at some key residues.”

Despite finding that 2019-n-CoV had these “receptor-binding,” which is not natural, but was reverse engineered, like the WHO misleading the world, issued an “interpretation” that ignores the non-natural addition of these Spike Glycoprotein to Coronavirus!

Edgar Allan Poe: Purloined Letter

I well recall the famous American mystery writer, Edgar Allan Poe, who in his “Purloined Letter” - has the subject letter hiding in “plain sight” in a letter box on the desk, while everyone is looking for secret compartments. Here, the first case had NO exposure to Wuhanan Seafood Market, and there are NO bats at said market. Hence, Wuhanan is secondary source, after community spread, and can be ignored and discarded as a “cover up.” The actual and original source of the coronavirus is therefore elsewhere. That is an undeniable fact, well capable of meeting even the criminal standard of proof - “beyond a reasonable doubt.” I, therefore charge China with hiding the actual source of coronavirus, and ignore the fraudulent assertion by the Chinese Communist Party Propaganda Czar that Wuhanan Seafood Market, with zero Bats, has any value to getting to the source, or finding the most precious item right now across the world: the most effective vaccine to this plague from China. China, it appears, is following an old playbook it developed in SARS outbreak

The question, then arises: where, oh where, did Coronavirus come from?

The answer, given the reverse-engineered receptor-binding, my “Trojan Horse” element, which makes this virus so contagious, since it took a natural element in the two SARS virus, and spliced

it on to Covid19 to unlock human auto-immune system/defense.

Why did China allow its citizens to travel the world after November 2019, when she knew there were coronavirus (with artificial receptor-binding) cases, which had nothing to do with Wuhanan Seafood Market? Was this negligence? Was this intentional? I cannot prove intent, but negligence, is overwhelming.

China had a duty to tell the WHO, and the world (not, do a “hit & run”):

The International Health Regulations (2005) are internationally binding rules upon member-states, which obligate them in handling public health issues, especially, for highly transmissible diseases. Ironically, they were adopted after the 2003 SARS outbreak in China - and then too, China was criticized for not promptly disclosing - what I have demanded - the “Raw Truth.” These rules are enforced by the WHO, China’s Lap Dog, and thru the ICJ. Among the Rules violated by China include, WHO’s Article 6 (Not notifying WHO of a Public Health Emergency - in November 2019), article 7 (Un-timely information-sharing during an emergency), Article 64 (not providing timely epidemiological reports - the core violation, given China’s active cover-up, and even substituting Wuhanan Seafood Market as a false source), and finally, violating the anti-corruption regulation, Article 37 (seeking to influence the WHO DG Dr. Ghebreyesus, and staff - WHO has played well as a lap dog, and hence, China has violated this Article).

Pearl Harbor - FDR: “A Day That Will Live in Infamy” - when Kamikaze Pilots of the Imperial Forces of Japan hit us on December 7, 1941 in a sneak attack, but in broad daylight, their attack started at 7:55 am and lasted till 9:00am, a little over an hour, causing, according to the National Park Service, 1998 Navy personnel, 109 Marines, 233 Army personnel and 48 civilians killed at Pearl Harbor on December 7th, 1941; a total of 2388 Americans killed. Still, the Japanese airmen were enemy combatants, and died in service to their Emperor - until General Douglas MacArthur had him abdicate divinity on the deck of the USS Missouri. Here, however, China used - negligently or heaven forbid, intentionally, her everyday unwitting citizen-tourists and businessmen, contaminated with Coronavirus, to spread the deadly and lab-engineered plague of death and destruction, and then covered it up and went ‘radio silent.’ China is criminally guilty at least of a “Hit and Run.” If our Government was to find out that we were Pearl Harbored, even more sneakily than on December 7, 941, then China must lose her UNSC Permanent Seat, and give the world \$100 Trillion in reparations, and disband her military.

Rule of Law in our Rules-based world - The Standard of Proof and Permitted Inferences: I

honor the established standard of proof, and permitted inference - Civilly, when only compensation is due, the standard is “mere preponderance of the evidence,” and a “negative inference’ is charged, when a party who ought to speak up or produce documents, but doesn’t, such party is presumed to be hiding “inculpatory” evidence of said party’s guilt. My near 10-day Tweets in seeking to honestly crack the Coronavirus case - based upon reliable evidence - and a specific tweet, predicated upon fairness, respect and personal honor, to Ambassadors Zhang and Cui, including, even a tagging of “@China_mfa,” sadly, did not cause a tsunami of facts and documents showing China’s innocence to come my way today.

Instead, China has “closed” and “covered up” tighter than a drum used in parades. This behavior violates a core “duty” to speak up, let alone help find the best Coronavirus vaccine. Accordingly, on the established rules of law, China is at least guilty of negligence in proximately causing a world pandemic, where nearly 2 million people have suffered it’s pain and suffering, and nearly 122,000 souls have lost their lives and left their families damaged and fractured. A simple example: a trucking delivery service has two trucks, one that is a flat-bed, and the other, which is a closed truck-container. The Owner directs the driver to use the flat-bed truck, load it up with boxes, and then strap them down tightly. The driver, on the road, hits a few bumps, does a few hard brakes, and the next thing you know, as he is going around a turn his load becomes loose and shoots across the highway. The cars behind while trying to avoid being “shot at” by the bouncing boxes, crash into each other or the road divider, many suffering injuries, and some even dying. A lawfully negligent driver would stop his truck, get out, and try to help, or at least call 911 for ambulance and police. China didn’t do that. China kept driving, and when asked, told falsehoods to deceive. Hence, under established laws, China is at least guilty of a “Hit & Run,” which is a crime.

Additional facts: China has cancelled approximately 8 million cell phones in the last 3-4 months - each Chinese citizen is authenticated by their government by their cell phone. Unless you are dead, you don’t cancel your cell phone. This suggests that China’s coronavirus death toll far exceeds its official number of a mere 3,300. Since President trump has sought to impose fair trade between us, China’s FDI in the United States has dropped from over \$45 Billion to just over \$5 Billion. This shrinking footprint suggests evasion of expected sanctions for bad acts.

Recommendations and Conclusions to POTUS and U.S. Congress:

1. China owes us civil compensation - at least for negligence, which has been proven the legal standard - in a fair and reasonable amount, which I recommend match our standard for 9/11, but no less than \$1 million dollars for every American who tested positive for Coronavirus, \$5 million for every American who died, and \$100,000 for every American who has to be “locked down.” Every other nation can negotiate - using our good offices of Secretary Pompeo - for their fair and reasonable settlement;

2. China owes criminal “hit & run” sanctions: I recommend, given the cover-up, which exacerbated the injury, pain and suffering globally, as well as avoidable deaths, that China’s ownership of debts in every country - for example the \$1.2T in China’s ownership of our T-Bills - be cancelled. As a further example, it means Sri Lanka’s \$9 B debt is cancelled, and she gets her largest port back. Furthermore, China must vacate Mischief Reef, and stop all aggression, such as blocking “freedom of navigation,” or just a few days ago, ramming a Vietnamese fishing boat, with eight fishermen fishing in Vietnamese waters. This outlaw behavior, coupled with aggressive and active attempts to buy military enhancing capacities must stop.

As I respectfully told China’s distinguished Foreign Minister Wang three years ago in 2017 at the UNGA, China is inviting a Little War now, or a Big War later - and I prefer a Little War now. He responded, “No War; No War.”. The unleashing of global death and suffering with the coronavirus, a plague upon all of us, is worse than Pearl Harbor, and given its deception, and

later, cover-up, lack any semblance of Honor.

Respectfully,

/s/

Ravi Batra

C: Sen. Chuck Schumer, Leader Kevin McCarthy, Chairman Eliot L. Engel, Ranker McCall, Chair Carolyn B. Maloney, Ranker Jim Jordan, Chairman-Senator Risch, Ranker-Senator Bob Menendez, Secretary Pompeo, Secretary Esper, Gov. Andrew Cuomo, Mayor Bill de Blasio, and A.G. Tish James.”

"SCHEDULE 1"

Table of Exhibits

Exhibit #	Description
1	"Chinese admit to SARS mistakes" April 21, 2003;
2	"Learning from SARS: Preparing for the Next Disease Outbreak" 2004, National Academy of Sciences;
3	CDC printout: International Health Regulations (IHR) 2005 revised
4	"MAD SCIENTISTS France `warned Wuhan lab could be turned into a `biological arsenal' by Chinese military four years before Covid `leak"
5	"April 8, 2020, Ravi Batra Shares First Hand Account of Recovery from COVID-19 in New York" with, email between Batra and Tejinder Singh, the late Publisher and Editor-in-Chief of <i>India America Today</i> , with reference to Latit Jha, Press Trust of India's Washington Bureau Chief
6	April 8, 2020 Letter by PRC's Permanent Representative Zhang Jun to the President of the General Assembly "Fighting the coronarius disease (COVID - 19) pandemic: China in action," which summary issued by China's Ministry of Foreign Affairs lists as "Fighting COVID-19 Pandemic: China in Action"
7	Plaintiff Ravi Batra's April 14, 2020 Letter to President Donald J. Trump, Speaker Nancy Pelosi, then-Senate Majority Leader Addison Mitchell McConnell, Jr., with copies to <i>inter alia</i> , Sen. Chuck Schumer, Leader Kevin McCarthy, Chairman Eliot L. Engel, Ranker McCall, Chair Carolyn B. Maloney, Ranker Jim Jordan, Chairman-Senator Risch, Ranker-Senator Bob Menendez, Secretary Pompeo, Secretary Esper, Gov. Andrew Cuomo, Mayor Bill de Blasio, Attorney General Tish James, and China's Ambassador Zhang Jun
8	"Corona vaccine is our priority No. 1. For that to happen quickly, China has to tell all: Ravi Batra," with Open Letter, etc., published in The South Asian Times May 2-8, 2020, with Interview conducted by Parveen Chopra

- 9 Plaintiff Ravi Batra's April 13, 2021 letter to President Joseph R. Biden, with a copy of plaintiff's April 14, 2020 letter to President Trump, with updates, including, China's "Wolf Warrior" policy and still suggesting the United States hold China liable
- 10 Batra's letter to President Biden published in The Indian Panorama, with an editor's note by Prof. Inderjit Saluja
- 11 Plaintiff Ravi Batra's May 6, 2021 letter to Indian Prime Minister Hon. Narendra Modi stating that due to the obviously un-tamed and highly transmissible Delta-variant, plaintiff evolved away from holding China liable, per tort or possible crime and punishment, and instead moved towards South Africa's Archbishop Desmond Tutu's "Truth and Reconciliation Commission's" paradigm, absolving China of tort and crime and punishment liability, so as to get Hon. Xi Jinping, President of PRC and General-Secretary of CCP to want to forego global domination and instead fully cooperate in defeating SARS-CoV-2 and COVID-19, and offer up the "Raw Truth," so the world's scientists, without regard to sovereign limitations, can expeditiously disarm this out-of-control biowarfare agent, an ICBM of a Virus, COVID-19, and save humanity and the animal kingdom, which too is infected
- 12 Plaintiff's letter to PM Modi as published by The Indian Panorama; confirming Ravi's view in late April 2021 that the much more potent and transmissible Delta Variant was a game changer
- 13 "Why is Delta more infectious and deadly? New research holds answers. Studies show that Delta replicates more quickly and generates more virus particles than other variants, but vaccines still protect against serious infections," August 6, 2021, National Geographic
- 14 Transcript of Plaintiff Ravi Batra's interview by USANAS Foundation's Abhinav Pandya and Rushali Saha on the issue of "Covid Origins...Zoonotic or Biowarefare Accidental Lab Leak?"
- 15 MIT researchers find cells targeted by coronavirus in breakthrough for cure" by Tamir Lapin, New York Post
- 16 "Looks like we found our Highly Variable SARS-like COV: Ralph Baric to Peter Daszak" by Savio Rodrigues, Goa Chronicle

- 17 January 13, 2020 email exchange between Defendant Peter Daszak Dr. Ralph Baric, at the University of North Carolina
- 18 April 18, 2020 email by Peter Daszak to Dr. Anthony Fauci, thanking him for assisting him and his “collaborators,” which then included the PRC, in their efforts to help the Wuhan Lab and China cover up the COVID-19 outbreak in the summer and fall of 2019 and get WHO to not sound the pandemic alarm, with April 19, 2020 Fauci to Daszak email response
- 19 “NIAID Mission” printout
- 20 “NIAID Organization” printout
- 21 “NIAID Director Anthony Fauci, M.D.” printout
- 22 “NIAID History” printout
- 23 “NIAID Role in Research” printout
- 24 “NIAID Accomplishments” printout
- 25 “NIAID Budget & Planning” printout
- 25-a NIAID Budget FY 2020
- 25-b NIAID Budget FY 2021”
- 25-c NIAID Congressional Justification, FY 2022
- 26 IRS December 21, 2010 Letter to Ecohealth Alliance Inc (c/o Harvey Kasdan, 460 West 34th Street, 17 floor, New York, NY 10001-2317
- 27 EcoHealth Alliance, Inc. and Wildlife Preservation Trust International, Inc., Independent Auditor’s Report and Consolidated Financial Statements, June 30, 2020 and 2019, by BKD CPAs & Advisors

- 28 Annual Reports and Financials pages on Ecohealth website, with "Form 990" link leading to the message "Error 404 The page you are looking for does not exist. Please check the URL and try again" and "Contact Form" identifying "520 Eighth Avenue, Ste. 1200, New York, NY 10018," as the "World Headquarters" of defendant EcoHealth Alliance
- 29 EcoHealth Alliance 2011 Annual Report
- 30 EcoHealth Alliance 2012 Annual Report
- 31 EcoHealth Alliance 2013 Annual Report
- 32 EcoHealth Alliance 2014 Annual Report
- 33 EcoHealth Alliance 2015 Annual Report
- 34 EcoHealth Alliance 2016 Annual Report
- 35 EcoHealth Alliance 2017 Annual Report
- 36 EcoHealth Alliance 2018 Annual Report
- 37 EcoHealth Alliance 2019 IRS Form 990, dated November 15, 2020
- 38 "The Origins of COVID-19: An Investigation of the Wuhan Institute of Virology" an August 2021 addendum to the "Origins of COVID-19" report issued in September 2020 by Hon. Michael McCaul, Ranking Member of the House of Representatives Foreign Affairs Committee
- 39 Press Release: "McCaul Releases Addendum to Origins of COVID-19 Report"
- 40 Department of Health and Human Services Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens
- 41 United States State Department Fact Sheet: Activity at the Wuhan Institute of Virology

- 42 “China, the WHO and the power grab that fuelled a pandemic” by Jonathan Calvert and George Arbuthnott, The Times

- 43 “Virus “Likely” Originated in a Wuhan Laboratory, WHO Top Expert Admits, by Massimo Introvigne, Bitter Winter