

PRESENT:
HON. _____
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

At I.A.S. Part of the
Supreme Court of the State of
New York, held in and for the
County of New York at the
Courthouse located 60 Centre
St, New York, NY 10007 on
the ____ day of
_____, 2023

-----X
IN RE SARS-CoV-2;

JENNY GOLDEN, REPRESENTATIVE OF ESTATE OF
MARY CONROY; MONIQUE ADAMS, REPRESENTATIVE
OF ESTATE OF EMMA D. HOLLEY; TRACI OSUNA,
REPRESENTATIVE OF ESTATE OF RAUL OSUNA;
MELISSA CARR, REPRESENTATIVE OF ESTATE OF
LARRY W. CARR; and PAUL RINKER, individually;

INDEX NO.

**Plaintiff designates NEW
YORK County as the place
of trial. The basis of the
venue is the residence of
Defendant.**

Plaintiffs,

-against-

ECOHEALTH ALLIANCE, INC., and PETER DASZAK,

SUMMONS

JURY TRIAL DEMANDED

Defendants.

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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorneys an
answer to the complaint in this action within twenty (20) days after the service of this summons,
exclusive of the day of service (or within thirty days (30) days after the service is complete if this
summons is not personally delivered to you within the State of New York), and in the case of
your failure to appear or answer, judgement will be taken against you by default for the relief
demanded in the complaint.

Dated: August 2, 2023

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

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IN RE SARS-CoV-2;

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JENNY GOLDEN, REPRESENTATIVE OF ESTATE OF
MARY CONROY; MONIQUE ADAMS, REPRESENTATIVE
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REPRESENTATIVE OF ESTATE OF RAUL OSUNA;
MELISSA CARR, REPRESENTATIVE OF ESTATE OF
LARRY W. CARR; and PAUL RINKER, individually;

**VERIFIED COMPLAINT
JURY TRIAL DEMANDED**

Plaintiffs,

-against-

ECOHEALTH ALLIANCE, INC., and PETER DASZAK,

Defendants.
-----x

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Jenny Golden, Monique Adams, Traci Osuna, Melissa Carr, and Paul Rinker, hereby sue the defendants, EcoHealth Alliance, Inc., Peter Daszak, and Jane and John Does #1-100, and allege:

NATURE OF THE CASE AND JURISDICTION

1. On July 21, 2023, the plaintiff, JENNY GOLDEN, was issued Letters of Administration to serve as Administratrix for the Estate of MARY CONROY, decedent, by order of the Orphan's Court of Lycoming County, Pennsylvania.
2. On April 13, 2023, the plaintiff, MONIQUE ADAMS, was issued Letters of Administration to serve as Administrator for the Estate of EMMA D. HOLLEY, decedent, by order of the Surrogate's Court, Rochester County.
3. On March 15, 2022, the plaintiff, TRACI OSUNA, was issued Letters of Administration to serve as Administratrix for the Estate of RAUL OSUNA, decedent, by order of the Douglas County Court, Probate Division located at 1701 Farnam Street, #-West, Omaha, Nebraska 68183.
4. On November 17, 2022, the plaintiff, MELISSA CARR, was issued Letters of Administration to serve as Administratrix for the Estate of LARRY W. CARR, decedent, by order of the Probate and Family Court of Cumberland County, Tennessee located at 60 Justice Center Dr #226, Crossville, Tennessee 38555.
5. PAUL RINKER is an adult individual residing at 1102 Chestnut Street, Montoursville, Pennsylvania 17754.
6. Plaintiff Jenny Golden's claim is a wrongful death action. Jenny Golden is the daughter of Mary Conroy who died on August 12, 2021. Plaintiff's decedent died as a direct and

proximate result of medical complications caused by an infection of the virus which is now known as Covid-19 (also called SARS-CoV-2). Mary Conroy's claim exceeds the minimal jurisdictional amount of this court, the amount to be determined at trial of this action. Mary Conroy is also survived by her other daughter, and her grandchildren.

7. Plaintiff Monique Adam's claim is a wrongful death action. Monique Adams is the daughter of Emma D. Holley who died on August 12, 2021. Plaintiff's decedent died as a direct and proximate result of medical complications caused by an infection of the virus which is now known as Covid-19 (also called SARS-CoV-2). Emma D. Holley's claim exceeds the minimal jurisdictional amount of this court, the amount to be determined at the trial of this action.
8. Plaintiff Traci Osuna's claim is a wrongful death action. Traci Osuna is the wife of Raul Osuna who died on September 28, 2021. Plaintiff's decedent died as a direct and proximate result of medical complications caused by an infection of the virus which is now known as Covid-19 (also called SARS-CoV-2). Raul Osuna's claim exceeds the minimal jurisdictional amount of this court, the amount to be determined at trial of this action. Raul Osuna is also survived by Traci Lynn Osuna her two naturally born children, William Daniel Osuna (date of birth: 4/12/2005) and Charles Manuel Osuna (date of birth 4/23/2007).
9. Plaintiff Melissa Carr's claim is a wrongful death action. Melissa Carr is the wife of Larry W. Carr who died on August 11, 2021. Plaintiff's decedent died as a direct and proximate result of medical complications caused by an infection of the virus which is now known as Covid-19 (also called SARS-CoV-2). Larry W. Carr's claim exceeds the

minimal jurisdictional amount of this court, the amount to be determined at the trial of this action.

10. Plaintiff Paul Rinker's claim is for personal injuries. Paul Rinker was diagnosed with Covid-19 in 2021 and was hospitalized in Williamsport, Pennsylvania and placed in the hospital's intensive care unit. Paul Rinker's damages sought exceed the minimal jurisdictional amount of this court, the amount to be determined at trial of this action.
11. Jenny Golden is and was at all times relevant to this action a resident of Lycoming County, Pennsylvania. At all relevant times, her deceased mother Mary Conroy was a resident of Lycoming County, Pennsylvania. At all relevant times, Mary Conroy's surviving children and grandchildren were residents of Lycoming County, Pennsylvania.
12. Monique Adams is and was at all times relevant to this action a resident of Rochester County, New York. At all relevant times, her deceased mother Emma D. Holley was a resident of Rochester County, New York. At all relevant times, Emma D. Holley's surviving children and grandchildren were residents of Monroe County, New York.
13. Traci Osuna is and was at all times relevant to this action a resident of Bennington, Nebraska. At all relevant times, her deceased husband Raul Osuna was a resident of Bennington, Nebraska. At all relevant times, Raul Osuna's surviving children and grandchildren were residents of Bennington, Nebraska.
14. Melissa Carr is and was at all times relevant to this action a resident of Crossville, Tennessee. At all relevant times, her deceased husband Larry W. Carr was a resident of Crossville, Tennessee. At all relevant times, Larry W. Carr's surviving children and grandchildren were residents of Crossville, Tennessee.

15. Paul Rinker is and was at all times relevant to this action a resident of Lycoming County, Pennsylvania.
16. The defendant, EcoHealth Alliance, Inc. is a Massachusetts corporation which at all relevant times had and now has its principal place of business in New York County, New York. EcoHealth has formally listed its principal place of business as New York County, New York.
17. The defendant, Peter Daszak, is a resident of New York State, presently residing in Rockland County, New York. Peter Daszak is, and was at all relevant times, the president of EcoHealth Alliance, Inc. and receives a salary for his work at EcoHealth and is not subject to the protections of CPLR § 720 and the pleading requirements of CPLR § 3016(h).
18. Defendants Jane and John Does #1 through #100 are currently unknown by actual name after a reasonable search with due diligence. Defendants Does #1-#100 are believed and averred to have exposed Plaintiffs to undue risk and actual harm by helping provide funding, research Gain of Function and eventually create and release the SARS-CoV-2 virus, and who conspired to cover up both the research, creation and release, whether accidental or intentional, thus causing Plaintiffs to suffer serious injuries and death. Said injuries and death, would not have occurred but for the Defendants' research, funding, invention and release of the SARS-CoV-2 virus. Had Defendants immediately taken steps prior to the release of the virus to shut down the research, funding and performance of GOF, the SARS-CoV-2 virus would not have been released which would have prevented the severe injuries and death of the Plaintiffs. Defendants Does #1-#100 include, but are not limited to, governments, government officials, military personnel,

scientists, professors, hospital organizations, hospitals, medical providers, elected officials, and other individuals who conspired with the aforementioned defendants and/or are responsible for Plaintiff's severe injuries, death, and the cover-up of said virus and its origins.

19. Venue is proper in New York County because the Eco Health, Inc., is a non-profit corporation duly authorized to conduct business in New York State, and conducts business in New York County with a street address of 520 8th Avenue, Suite 1200, New York, New York 10018.
20. This case involves the Defendants EcoHealth and Daszak first researching, funding and creating the SARS-CoV-2 virus and releasing it, either intentionally or accidentally, with the aid of Jane and John Does #1-#100, following which Jane and John Does #1-#100 conspired to increase the likelihood of death in those infected by SARS-CoV-2 by following protocols, including but not limited to, the use of Remdesivir, Dexamethasone, Fentanyl, and Midazolam combined with other forms of sedation and eventual intubation. To achieve the sedation and intubation, Plaintiff(s) were restrained by Jane and John Does #1-#100.
21. Plaintiffs believe, and therefore aver, that Jane and John Does #1-#100 knew or reasonably should have known that they were conspiring with EcoHealth, Daszak and other Jane and John Does #1-#100 to severely injure and kill individuals, such as the Plaintiffs.

FIRST CAUSE OF ACTION – GENERAL NEGLIGENCE CLAIM

Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

A. Duty

22. At all relevant times, Defendants EcoHealth and Daszak knew that coronaviruses infected humans and caused a human respiratory illness termed "severe acute respiratory syndrome" (SARS), other human injuries, and human death. Defendants knew that SARS had been identified in February 2020, during an outbreak that emerged in China and spread to other countries.
23. At all relevant times, Defendants EcoHealth and Daszak knew that coronaviruses were dangerous and capable of causing a worldwide pandemic in the human population. Defendants knew that SARS was a severe and readily transmissible disease, airborne, and could spread through small droplets of saliva in a similar way to cold and influenza. Defendants knew that SARS showed a clear capacity to spread along the routes of international travel.
24. At all relevant times, Defendants EcoHealth and Daszak knew that there was no known and established immunization, treatment or cure for the coronaviruses.
25. At all relevant times, Defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, chose to engage, both directly and indirectly through their agents, in dangerous coronavirus research presenting foreseeable and unreasonable risks of harm to others, namely:
- a. Collecting, transporting, stockpiling storing, creating, generating, modifying, testing and handling dangerous coronaviruses, including SARS-CoV-2, which they knew to be harmful to humans and capable of causing a pandemic; and
 - b. Deliberately engaging in the creation and genetic modification of dangerous coronaviruses, including SARS-CoV-2, for the purpose of enhancing their

virulence, transmissibility and lethality for human beings, knowing that as modified the coronaviruses would be even more harmful to humans and capable of causing a pandemic; and

- c. Funding, assisting, supervising, instructing, directing and encouraging others in collecting, stockpiling, storing, generating, modifying, testing and handling dangerous coronaviruses, including SARS-CoV-2, which they knew to be harmful to humans and capable of causing a pandemic.

26. At all relevant times, the defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, owed a general duty of ordinary care to the plaintiffs and to the public generally, to:

- a. Ensure that their underlying threatening conduct was carried out reasonably, and to refrain from actions which created an unreasonable risk of physical harm to others; and
- b. Protect them from the risks of exposure to dangerous coronaviruses, including SARS-CoV-2, because Defendants were in the best position to protect against the risk of harm that resulted in damages to each Plaintiff and decedent, as alleged herein; and
- c. Maintain their research under an appropriate biosafety level while implementing proper protective measures so that there would be no leak of the ultra-hazardous coronaviruses, including SARS-CoV-2, from the WIV or elsewhere; and

- d. Perform an appropriate risk assessment of the laboratories where their research was conducted so that there would be no leak of the ultra-hazardous coronaviruses, including SARS-CoV-2, from WIV or elsewhere; and
- e. Immediately warn them that a coronavirus with potential to cause a pandemic had leaked from the WIV or elsewhere, since they were in the best position to learn about the release of such pathogens and warn Plaintiffs, decedents, and others similarly situated of the potential risks and consequences of exposure to this novel virus; and
- f. Exercise reasonable care to prevent the risks generated by the conditions created by their dangerous coronavirus research from taking effect; and
- g. Exercise reasonable care to protect their undertaking to provide coronavirus research services pursuant to their research grant, since they should have recognized those services as being, and they claimed those services were, necessary for the protection of the public generally, and their failure to exercise reasonable care increased the risk of physical harm to the public generally; and
- h. Exercise reasonable care to protect their undertaking to provide coronavirus research services pursuant to their research grant, since they should have recognized those services as being, and they claimed those services were, necessary for the protection of the public generally, and the public generally suffered physical harm because of the reliance by the grant funder on the undertaking.

B. Breach

27. The probability that a coronavirus, including without limitation SARS-CoV-2, or another coronavirus genetically modified for the purpose of enhancing its virulence, transmissibility and lethality for human beings, or intentionally designed to be especially dangerous to human beings, would escape from the WIV laboratories, and the gravity of the resulting harm if it did escape, far outweighed the burden on the defendants to take adequate precautions.
28. Many of defendants' failures are documented in Inspector General Grimm's January 2023 report entitled "The National Institutes of Health and EcoHealth Alliance Did Not Effectively Monitor Awards and Subawards, Resulting In Missed Opportunities To Oversee Research And Other Deficiencies."¹
29. Defendants, individually and collectively, breached their duty of care, including without limitation all the duties enumerated above, by:
- a. conducting abnormally dangerous research on coronaviruses, including genetically modifying them for the purpose of enhancing their virulence, transmissibility and lethality for human beings, or intentionally designing them to be especially dangerous to human beings; and
 - b. conducting abnormally dangerous research on coronaviruses, including genetically modifying them for the purpose of enhancing their virulence, transmissibility and lethality for human beings, or intentionally designing them to be especially dangerous to human beings, in inadequate, understaffed and unsafe laboratories; and

¹ Grimm, HHS OIG *NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards (A-05-21-00025)*, January 2023: <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>

- c. disregarding multiple substantial warnings about safety breaches and lax biosecurity standards at the WIV laboratories, which U.S. authorities had termed the "Wild West"; and
- d. failing to collect, transport, stockpile, store, generate, modify, test and handle the coronaviruses, including without limitation SARS-CoV-2, or another coronavirus genetically modified for the purpose of enhancing its virulence, transmissibility and lethality for human beings, in a manner ensuring that they would not escape the laboratory environment, infect human beings, and spread through the human population causing mass human injury and death in a global pandemic; and
- e. failing to conduct adequate risk assessments of others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories; and
- f. failing to ensure that others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, met Federal requirements applicable to their research; and
- g. failing to ensure that others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, met adequate monitoring and reporting requirements; and
- h. failing to effectively monitor others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, so as

to understand the nature of the research conducted, identify potential problem areas and take corrective action; [] provide the visibility and transparency to determine how [] grant funds were used; and [] mitigate

the risk of noncompliance. with Federal requirements and internal policies and procedures²

; and

- i. failing to establish, adequately monitor compliance with and adequately enforce upon themselves and others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, adequate protocols and procedures for the safe collection, transportation, stockpiling, storage, generation, modification, testing and handling of coronaviruses, including without limitation SARS-CoV-2, or any coronavirus genetically modified for the purpose of enhancing its virulence, transmissibility and lethality for human beings, in a manner ensuring that they would not escape the laboratory environment, infect human beings, and spread through the human population causing mass human injury and death in a global pandemic; and
- j. failing to ensure that others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, were obliged to provide it with immediate reporting of adverse research events, and upon request, research records, results and other scientific information; and
- k. failing to report regularly, timely and accurately to the Federal government regarding the activities of others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories; and

² Id. at pp. 7-8.

1. failing to immediately warn regarding the release of dangerous coronaviruses from the WIV laboratories, including without limitation SARS-CoV-2, or any coronavirus genetically modified for the purpose of enhancing its virulence, transmissibility and lethality for human beings, including potential risks and consequences of exposure to the coronaviruses.
30. Further, the defendants knew or should have known that the negligent, reckless or intentional conduct of others engaging in the coronavirus research funded by the defendants, including that of Dr. Shi Zheng-Li and other scientists at the WIV laboratories who intended to genetically modify coronaviruses to enhance their virulence, transmissibility and lethality for human beings, created an unreasonable risk of harm to others.

C. Causation

31. As a direct and proximate result of the acts and omissions as alleged herein of EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, the coronaviruses collected, transported, stockpiled, stored, generated, modified, tested and handled by the defendants, and/or by others engaging in the coronavirus research funded by the defendants, including Dr. Shi Zheng-Li and other scientists at the WIV laboratories, escaped the controlled laboratory environment, infected human beings, spread throughout the human population in a global pandemic, and infected and seriously injured plaintiff Paul Rinker, and infected, seriously injured and killed Mary Conroy, Larry W. Carr, Raul Osuna, and Emma D. Holley.

D. Damage

32. The defendants knew or should have known that upon escaping from a controlled laboratory environment, the coronaviruses would spread throughout the world in a global pandemic, infecting, injuring and killing human beings, including plaintiffs.
33. The spread of the coronaviruses to the United States in a global pandemic, and the illnesses, injuries and death they would cause, were entirely foreseeable by the defendants; indeed, such a pandemic was the very contingency their research intended to anticipate.
34. The SARS-CoV-2 infections, illnesses, injuries and deaths of Mary Conroy, Larry W. Carr, Raul Osuna, and Emma D. Holley were the direct and proximate result of the foregoing conduct of the defendants and were foreseeable by the defendants.
35. The SARS-CoV-2 infection, illnesses and injuries of plaintiff Paul Rinker were the direct and proximate result of the foregoing conduct of the defendants and were foreseeable by the defendants.
36. As a direct and proximate result of the conduct of the defendants, Mary Conroy died and her estate and her survivors have suffered the following damages: medical expenses; funeral expenses; the pain and suffering of Mary Conroy; loss of income; loss of companionship; loss of parental guidance; and, loss of Mary Conroy's life expectancy.
37. As a direct and proximate result of the conduct of the defendants, Emma D. Holley died, and her estate and her survivors have suffered the following damages: medical expenses; funeral expenses; the pain and suffering of Emma D. Holley; loss of income; loss of companionship; loss of parental guidance; loss of Emma D. Holley's life expectancy; and, loss of Emma D. Holley's future earning capacity.

38. As a direct and proximate result of the conduct of the defendants, Raul Osuna died, and his estate and his survivors have suffered the following damages: medical expenses; funeral expenses; the pain and suffering of Raul Osuna; loss of income; loss of companionship; loss of parental guidance; loss of Raul Osuna's life expectancy; and, loss of Raul Osuna's future earning capacity.
39. As a direct and proximate result of the conduct of the defendants, Larry W. Carr died, and his estate and his survivors have suffered the following damages: medical expenses; funeral expenses; the pain and suffering of Larry W. Carr; loss of income; loss of companionship; loss of parental guidance; loss of Larry W. Carr's life expectancy; and, loss of Larry W. Carr's future earning capacity.
40. As a direct and proximate result of the conduct of the defendants alleged herein, plaintiff Paul Rinker, suffered bodily injury and resulting pain and suffering, emotional distress; mental anguish, inconvenience, loss of capacity for the enjoyment of life, scarring; expense of hospitalization, medical and nursing care and treatment, loss of earnings, loss of ability to earn money, and aggravation of a previously existing condition. The losses are either permanent or continuing and plaintiff, Paul Rinker, will suffer the losses into the future.

E. CPLR Article 16

41. If it is deemed by this Court that Article 16 of CPLR applies to the actions of the defendant, Peter Daszak, then plaintiffs further allege that Peter Daszak's negligence described above rises to the level of reckless and moreover falls within one or more of the exceptions set forth in CPLR § 1602 including but not limited to the exception for cases where a person is held liable for causing the claimants' injuries by having acted with reckless disregard for

the safety of others [CPLR § 1602(7)]; the exception for cases involving any person held liable for causing claimants' injuries by having unlawfully released into the environment a substance ultra-hazardous to public health, safety or the environment [CPLR § 1602(9)]; the exception for any parties found to have acted knowingly or intentionally and in concert to cause the acts or failures upon which liability is based [CPLR § 1602(11)]; the exception based upon defendant's non-delegable duty to ward of the health hazards of genetically manipulated viruses [CPLR § 1602(2)]; and the exception for persons held liable where the manufacturer of the product (genetically manipulated viruses) is not a party to the action and jurisdiction over the manufacturer could not with due diligence be obtained [CPLR § 1602(10)].

WHEREFORE plaintiffs Mary Conroy, Emma. D. Holley, Raul Osuna, Larry W. Carr, and Paul Rinker demand judgment against defendants EcoHealth Alliance, Inc. and Peter Daszak, jointly and severally, for compensatory damages and the costs of this action and furthermore demand trial by jury of all issues so triable as a matter of right.

SECOND CAUSE OF ACTION – STRICT LIABILITY
FOR ABNORMALLY DANGEROUS ACTIVITY
Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

42. Defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, collected, transported, stockpiled stored, created, generated, modified, tested and handled SARS coronaviruses, including SARS-CoV-2, knowing that their coronavirus research created a foreseeable and significant risk of physical harm to others, even if all participants had exercised reasonable care.

43. Defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, deliberately engaged in the creation and genetic modification of dangerous coronaviruses, including SARS-CoV-2, for the purpose of enhancing their virulence, transmissibility and lethality for human beings, knowing that their coronavirus research created a foreseeable and significant risk of physical harm to others, even if all participants had exercised reasonable care.
44. Collecting, transporting, stockpiling storing, generating, modifying, testing and handling SARS coronaviruses, including SARS-Cov-2, and creating and modifying coronaviruses for the purpose of making them more virulent, transmissible and lethal for human beings ("these activities"), are ultrahazardous or abnormally dangerous activity:
- a. Since SARS coronaviruses, including SARS-CoV-2, are a severe and readily transmissible disease, infectious to humans, cause injury and death in humans, and are known to spread in cross-border pandemics, these activities present a high degree of risk of harm to persons;
 - b. The harm that results from infection with SARS coronaviruses, including SARS-CoV-2, is great and in many instances can lead to permanent disabling conditions and death;
 - c. These activities lead to an inability to eliminate the risk by the exercise of reasonable care;
 - d. These activities are not a matter of common usage;
 - e. These activities are inappropriate anywhere, but especially in laboratory facilities like the WIV laboratories, which (i) are located thousands of miles away from any

meaningful oversight, (ii) are managed by the People's Republic of China, a government which the Director of the Federal Bureau of Investigation had identified as "the greatest long-term threat" to U.S. national security in 2020, and (iii) U.S. diplomats had concluded were staffed with an inadequate number of personnel, with inadequate training to ensure that the coronaviruses did not escape;

- f. The dangerousness of these activities, which present a high degree of risk of illness, injury, and death to humans on a global scale, far outweighs any potential benefits.

45. SARS coronaviruses are listed as "Select Agents" under 42 CFR 73.3(b) because the Department of Health and Human Services Secretary (HHS) has determined that SARS coronaviruses "have the potential to pose a severe threat to public health and safety." 42 CFR 73.3(a). Thus, these activities are abnormally dangerous for the additional reason that they involve "Select Agents" that that have been determined by the federal government to "pose a severe threat to public health and safety."
46. Foreseeably, SARS coronaviruses escaped from the WIV laboratories, infecting human beings, spreading in the human population cross-border in a global pandemic, and infected Mary Conroy, Emma. D. Holley, Larry W. Carr, Raul Osuna and Paul Rinker.
47. As a direct and proximate result of defendants' conduct, Mary Conroy was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Jenny Golden, and Mary Conroy's children and her estate, have suffered damages as alleged in paragraph 6 which have been incorporated into the allegations of this count.

48. As a direct and proximate result of defendants' conduct, Emma D. Holley was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Monique Adams, and Emma D. Holley's children and her estate, have suffered damages as alleged in paragraphs 7 which have been incorporated into the allegations of this count.
49. As a direct and proximate result of defendants' conduct, Raul Osuna was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Traci Osuna, and his estate, have suffered damages as alleged in paragraph 8 which have been incorporated into the allegations of this count.
50. As a direct and proximate result of defendants' conduct, Larry W. Carr was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Melissa Carr, and Larry W. Carr's child and his estate, have suffered damages as alleged in paragraph 9 which have been incorporated into the allegations of this count.
51. As a direct and proximate result of defendants' conduct, Paul Rinker was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, suffered damages as alleged in paragraph 10 which has been incorporated into the allegations of this count.

WHEREFORE plaintiffs Mary Conroy, Emma. D. Holley, Raul Osuna, Larry W. Carr, and Paul Rinker demand judgment against defendants EcoHealth Alliance, Inc. and Peter Daszak, jointly and severally, for compensatory damages and the costs of this action and furthermore demand trial by jury of all issues so triable as a matter of right.

THIRD CAUSE OF ACTION – STRICT LIABILITY
FOR COMMON LAW PUBLIC NUISANCE
Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

52. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

A. Public Nuisance Number One: Collecting, Transporting, Stockpiling, Storing, and Handling SARS Coronaviruses, Including SARS-CoV-2

53. The collection, transportation, stockpiling, storage and handling of SARS coronaviruses, including SARS-CoV-2, significantly endanger and interfere with the public health, and it is an unreasonable interference with a right common to the general public to be free from unreasonable risk of exposure to and infection with pathogens that cause serious illness, injury and death.

54. The collection, transportation, stockpiling, storage and handling of SARS coronaviruses, including SARS-CoV-2 is not an activity proscribed by any statute, ordinance or administrative regulation.

55. The collection, transportation, stockpiling, storage and handling of SARS coronaviruses, including SARS-CoV-2, and the resulting escape and spread of SARS-CoV-2 in the human population, and widespread infection, injury and death, has produced a permanent and/or a long-lasting effect on the public in general and the plaintiffs specifically, and the defendants knew or had reason to know of that significant effect upon the public right.

56. Specifically, Defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority, captured and kept diseased bats for the specific purpose of collecting diseased viruses from the bats, collected the diseased viruses by swabbing the bats nostrils and/or rectums, and thereafter isolated the SARS coronaviruses for further collecting and stockpiling and storage. Thereafter Defendants EcoHealth and Daszak, individually and collectively, and

those working in furtherance of their enterprise and within the scope of their authority maintained and propagated the SARS coronaviruses.

B. Public Nuisance Number Two: Creating, Generating, Modifying and Testing Coronaviruses for the Purpose of Making them more Virulent, Transmissible and Lethal for Human Beings

57. Defendants EcoHealth and Daszak, individually and collectively, and those working in furtherance of their enterprise and within the scope of their authority genetically modified the SARS coronaviruses collected from the bats' nostrils and/or rectums for the purpose of enhancing their virulence, transmissibility and lethality for human beings.
58. The genetic modification of the SARS coronaviruses for the purpose of enhancing their virulence, transmissibility and lethality for human beings significantly endanger and interfere with the public health, and it is an unreasonable interference with a right common to the general public to be free from unreasonable risk of exposure to and infection with pathogens that cause serious illness, injury and death.
59. The genetic modification of the SARS coronaviruses for the purpose of enhancing their virulence, transmissibility and lethality for human beings is not an activity proscribed by any statute, ordinance or administrative regulation.
60. The genetic modification of the SARS coronaviruses for the purpose of enhancing their virulence, transmissibility and lethality for human beings, and the resulting escape and spread of SARS-CoV-2 in the human population, and widespread infection, injury and death, has produced a permanent and/or a long-lasting effect on the public in general and the plaintiffs specifically and the defendants knew or had reason to know of that significant effect upon the public right.

61. As a direct and proximate result of the conduct of the defendants, in the creation of a public nuisance by (1) collecting, transporting, stockpiling, storing, and handling SARS coronaviruses, including SARS-CoV-2 and/or (2) creating, generating, modifying and testing coronaviruses for the purpose of making them more virulent, transmissible and lethal for human beings, Mary Conroy was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Jenny Golden, and Mary Conroy's children, grandchildren, and her estate, have suffered damages as alleged in paragraph 6 which have been incorporated into the allegations of this count.
62. As a direct and proximate result of the conduct of the defendants, in the creation of a public nuisance by (1) collecting, transporting, stockpiling, storing, and handling SARS coronaviruses, including SARS-CoV-2 and/or (2) creating, generating, modifying and testing coronaviruses for the purpose of making them more virulent, transmissible and lethal for human beings, Emma D. Holley was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and her estate, and Monique Adams, have suffered damages as alleged in paragraph 7 which have been incorporated into the allegations of this count.
63. As a direct and proximate result of the conduct of the defendants, in the creation of a public nuisance by (1) collecting, transporting, stockpiling, storing, and handling SARS coronaviruses, including SARS-CoV-2 and/or (2) creating, generating, modifying and testing coronaviruses for the purpose of making them more virulent, transmissible and lethal for human beings, Raul Osuna was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and his children, and Traci

Osuna, and his estate, have suffered damages as alleged in paragraph 8 which have been incorporated into the allegations of this count.

64. As a direct and proximate result of the conduct of the defendants, in the creation of a public nuisance by (1) collecting, transporting, stockpiling, storing, and handling SARS coronaviruses, including SARS-CoV-2 and/or (2) creating, generating, modifying and testing coronaviruses for the purpose of making them more virulent, transmissible and lethal for human beings, Larry W. Carr was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Melissa Carr, and Larry W. Carr's child, and his estate, have suffered damages as alleged in paragraph 9 which have been incorporated into the allegations of this count.

65. As a direct and proximate result of defendants' conduct creating a public nuisance, Paul Rinker was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, suffered damages as alleged in paragraph 10 which has been incorporated into the allegations of this count.

WHEREFORE plaintiffs Mary Conroy, Emma. D. Holley, Raul Osuna, Larry W. Carr, and Paul Rinker demand judgment against defendants EcoHealth Alliance, Inc. and Peter Daszak, jointly and severally, for compensatory damages and the costs of this action and furthermore demands trial by jury of all issues so triable as a matter of right.

**FOURTH CAUSE OF ACTION - INTENTIONAL INFLICTION
OF EMOTIONAL DISTRESS**

Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

66. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

67. Defendants' and their co-conspirators' acts and omissions as alleged herein were extreme

and outrageous.

68. Defendants and their co-conspirators were well aware of the risks and dangers involved with GOF research, including the potential of causing a worldwide pandemic.
69. Defendants and their co-conspirators, Jane and John Doe #1-100, nonetheless proceeded with such research, eventually causing the Covid-19 pandemic by creating and releasing a highly transmissible and deadly lab-made virus, SARS-CoV-2.
70. Defendants and their co-conspirators knowingly and willfully manufactured SARS-CoV-2, negligently failed to advise Plaintiffs, Decedents, and the general public of the serious health consequences associated with the lab-made SARS-CoV-2 virus, and worse, intentionally engaged in a scheme to conceal the true laboratory origins of SARS-CoV-2. Such acts and omissions were extreme and outrageous. Intent to cause, or disregard of a substantial probability of causing, severe emotional distress.
71. Defendants blatantly disregarded the substantial probability that their actions and omissions would cause severe emotional distress to Plaintiffs and others similarly situated, by having to confront the reality of a dangerous, novel virus that causes debilitating symptoms ranging from loss of taste and smell to death. A causal connection between the conduct and the injury.
72. Defendants' dangerous GOF research directly and proximately caused Plaintiffs' and Decedents' physical and emotional injuries and/or deaths, as alleged herein.
73. But for Defendants' and their co-conspirators' abnormally dangerous and risky research in an inadequate laboratory setting, Plaintiffs and Decedents would not have been injured and/or killed.
74. As a result of Defendants' and their co-conspirators' acts and omissions, Plaintiffs and/or

Decedents suffered and/or continue to suffer severe emotional distress and mental anguish, knowing their injuries and/or deaths were caused by Defendants' and their co-conspirators' negligent, reckless, and wanton acts and omissions, which were fully avoidable. Plaintiffs' and Decedents' physical and emotional injuries and/or deaths have caused and continue to cause Plaintiffs severe emotional distress due to their debilitating symptoms and fear of contracting SARS-CoV-2 in the future.

WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

FIFTH CAUSE OF ACTION - NEGLIGENT INFLICTION
OF EMOTIONAL DISTRESS
Plaintiffs v. EcoHealth, Daszak, and Jane and John Does #1-#100

75. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
76. Defendants owed a duty of care to Plaintiffs and Decedents, as alleged herein.
77. Defendants breached their duty of care by directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.
78. Plaintiffs' and Decedents' injuries and/or death are a direct and proximate result of Defendants' abnormally dangerous activity, negligence and carelessness, and their demonstrated wanton and reckless disregard for Plaintiffs' safety and well-being, directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or

directly causing Plaintiffs and/or Decedents to fear for their own safety.

79. At all times relevant herein, Defendants negligently inflicted emotional distress on each Plaintiff and/or Decedent by creating, releasing and exposing them to SARS-CoV-2, directly and unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.

80. As a result of said conduct by Defendants and their co-conspirators, Plaintiffs and/or Decedents have sustained extreme emotional distress and mental anguish associated with their physical injuries as well as extreme emotional distress and mental anguish associated with the failure of Defendants to advise them of the serious health effects associated with exposure to SARS-CoV-2.

81. As a result of Defendants' and their co-conspirators' mishandling of SARS-CoV-2 as alleged herein, each Plaintiff and/or Decedent was exposed to a dangerous, ultra-hazardous lab-made virus, and as a direct and proximate result thereof have suffered the injuries alleged herein, unreasonably endangering Plaintiffs' and/or Decedents' physical safety, and/or directly causing Plaintiffs and/or Decedents to fear for their own safety.

WHEREFORE, Plaintiffs demand judgment in their favor against all defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

SIXTH CAUSE OF ACTION – CIVIL CONSPIRACY
Plaintiffs v. EcoHealth, Daszak, and Jane and John Does #1-#100

82. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.

83. Defendants EcoHealth Alliance, Peter Daszak, and Jane and John Does #1-100 agreed with others to commit the overt acts alleged herein, each of the foregoing counts comprising an independent underlying tort and basis for this conspiracy Count. The others with whom the defendants agreed to commit the overt acts alleged included but were not limited to Dr. Shi Zhengli, a Chinese virologist based at the WIV laboratories in Wuhan, China. Dr. Shi Zhengli participated in and oversaw and directed the SARS coronaviruses, and the further genetic modification of the SARS coronaviruses for the purpose of enhancing their virulence, transmissibility and lethality for human beings.
84. Defendants intentionally participated in the formation and execution of the plan to collect, transport, stockpile, store, create, generate, modify, test and handle the SARS coronaviruses, including SARS-CoV-2, and the further creation, generation, testing and genetic modification of the SARS coronaviruses, including SARS-CoV-2, for the purpose of enhancing their virulence, transmissibility and lethality for human beings.
85. Defendants knew or reasonably should have known that they were aiding in the spread of the coronavirus -SARS-CoV-2 and increasing the lethality of SARS-CoV-2 with the medical protocols being used in the hospitals.
86. As a direct and proximate result of the conduct of the defendants, Mary Conroy was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Jenny Golden, and Mary Conroy's children, grandchildren, and her estate, have suffered damages as alleged in paragraph 6 which have been incorporated into the allegations of this count.
87. As a direct and proximate result of the conduct of the defendants, Emma D. Holley was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and

injuries, and died, and Monique Adams, and Emma D. Holley's children, grandchildren, and her estate, have suffered damages as alleged in paragraph 7 which have been incorporated into the allegations of this count.

88. As a direct and proximate result of the conduct of the defendants, Raul Osuna was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Traci Osuna, and Raul Osuna's children, and his estate, have suffered damages as alleged in paragraph 8 which have been incorporated into the allegations of this count.

89. As a direct and proximate result of the conduct of the defendants, Larry W. Carr was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, and died, and Melissa Carr, and Larry W. Carr's child, and his estate, have suffered damages as alleged in paragraph 9 which have been incorporated into the allegations of this count.

90. As a direct and proximate result of the conduct of the defendants, Paul Rinker was infected with SARS-CoV-2, developed symptoms of COVID-19, severe illness and injuries, suffered damages as alleged in paragraph 10 which has been incorporated into the allegations of this count.

WHEREFORE plaintiffs Mary Conroy, Emma. D. Holley, Raul Osuna, Larry W. Carr, and Paul Rinker demand judgment against defendants EcoHealth Alliance, Inc. and Peter Daszak, jointly and severally, for compensatory damages and the costs of this action and furthermore demands trial by jury of all issues so triable as a matter of right.

SEVENTH CAUSE OF ACTION - WRONGFUL DEATH
Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

91. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended

Complaint as if fully set forth herein.

92. Decedents are survived by family members entitled to recover damages from all Defendants for the wrongful death of their Decedents. These family members are among the Plaintiffs who are entitled to damages deemed as fair and just compensation for their injuries resulting from the deaths of the Decedents.
93. The injuries and damages suffered by Plaintiffs Mary Conroy, Emma D. Holley, Raul Osuna, and Larry W. Carr by virtue of the death of the Decedents, and the consequences resulting therefrom, were proximately caused by the intentional and reckless acts, omissions, and other tortious conduct of all Defendants as described herein.
94. As a direct and proximate result of the deaths of the Decedents, their heirs have been deprived of future aid, assistance, services, comfort, and financial support.
95. As a direct and proximate result of the Defendants' and their co-conspirators' negligent, dangerous, reckless, and deceptive acts and omissions as alleged herein, the heirs of the Decedents will forever grieve their deaths.
96. As a further result of Defendants' and their co-conspirators' negligent, dangerous, reckless, and deceptive acts and omissions, Plaintiffs Conroy, Holley, Osuna, and Carr have been caused to expend various sums to administer the estates of Decedents and have incurred other expenses for which they are entitled to recover damages.
97. The statutes of limitations and statutes of repose (if any) for Wrongful Death are equitably tolled by virtue of Defendants' and their co-conspirators' continuing acts and omissions to cover up the origins of the SARS-CoV-2 virus, and their role with respect thereto, as alleged herein. Defendants must not be allowed to benefit from their fraudulent concealment of Plaintiffs' causes of action, as alleged herein.

WHEREFORE, Plaintiffs Conroy, Holley, Osuna, and Carr demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

EIGHTH CAUSE OF ACTION – SURVIVAL
Plaintiffs v. EcoHealth, Daszak and Jane and John Does #1-#100

98. Plaintiffs repeat, reiterate and reallege each and every paragraph of the Verified Amended Complaint as if fully set forth herein.
99. Plaintiffs (except Rinker) bring this action for damages suffered by the Decedents and caused by Defendants' and their co-conspirators' actions and omissions.
100. As a result of the intentional and negligent acts of the Defendants and their co-conspirators as described above, the Decedents were placed in apprehension of harmful and offensive bodily contact (assault), suffered offensive and harmful bodily contact (battery), suffered extreme fear, anxiety, emotional and psychological distress (intentional/negligent infliction of emotional distress), and were mentally and physically harmed, trapped, and falsely imprisoned (false imprisonment) prior to their deaths.
101. As a result of the Defendants' and their co-conspirators' reckless and dangerous conduct, the Decedents suffered damages including pain and suffering, trauma, emotional distress, loss of life and life's pleasures, loss of earnings and earning capacity, loss of accretion to their estates, and other items of damages as fully set forth in the paragraphs above, which are incorporated herein by reference.

WHEREFORE, Plaintiffs demand judgment in their favor against all Defendants, jointly, severally, and/or individually, in an amount to be determined at trial, plus interest, costs, and such other monetary and equitable relief as this Honorable Court deems appropriate to prevent Defendants and others from ever again committing the dangerous acts related to the development and release of SARS-CoV-2 or similar acts.

DEMAND FOR JURY TRIAL

102. Plaintiffs hereby demand trial by jury of all issues so triable as a matter of right or by further discretion of the court.

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