

MEDIA BRIEFING:

**LUCAS | COMPTON & BERMAN LAW GROUP PARTNER UP:
*Bipartisan Effort Underway To Hold Chinese Government Financially
Accountable For Coronavirus Outbreak***

Updated Tuesday, March 25, 2020

1. Lucas | Compton <> The Berman Group Partnership Background & Info

Berman Law Group (www.bermanlawgroup.com) is a national, full-service law firm representing individuals, businesses, and private and public entities. Some of the firm's practice areas include Personal Injury, Class Actions, Mass Torts, Catastrophic Injuries, Government Relations, and Corporate Law. Members of the Berman Law Group have successfully recovered over \$5 billion on behalf of their clients.

Francis Biden, Joe Biden's brother, is a senior advisor of the firm.

- Leaders of the Case:
 - Jeremy Alters (Chief Strategist and Non-Attorney Spokesperson) was involved in John Kerry's presidential run and both of President Obama's runs. Jeremy was nationally recognized for his innovative approach to complex litigation, shepherding billions of dollars in verdicts and settlements.
 - Matthew Moore, lead attorney and class action litigator, has been legal mind at forefront of some of country's largest class actions and \$1 billion+ settlements.
 - Jeremy and Matthew have previously sued Cuba over terrorist acts, taken on China for its manufacture of defective drywall that destroyed thousands of US homes, and sued the largest US banks over abusive overdraft practices.

Lucas | Compton (www.lucas-compton.com), a leading lobbying and public affairs firm based in DC, has partnered with Berman Law Group to spread awareness, especially to victims to join the suit, and provide government relations.

- George A. Sorial, Partner at Lucas | Compton, has worked with President Trump for over 19 years with 13 years as EVP & Counsel at Trump Organization. Became the organization's first Chief Compliance Counsel post-election.

- Travis Lucas, Managing Partner at Lucas | Compton, is one of most respected, bipartisan lobbyist in D.C.. Recently, publisher Bloomberg Government identified Travis as one of two boutique lawyer-lobbyists in Washington, DC (singled out among 11,502 registered lobbyists) that had the highest year-to-year growth with the longest retention of clients over a multi-year period.
- Vinh Vuong, Partner at Lucas | Compton, a Vietnamese-American and son of immigrants whose family fled Vietnam right after the Vietnam War, fleeing from Communist rule (China backed), is a successful serial entrepreneur and a highly sought after consultant for reputation management by government and corporate leaders. Serving as chief spokesperson of this suit.

2. Briefing About The Suit

On March 12, 2020, The Berman Law Group filed a Class Action lawsuit against China and multiple Chinese governmental entities for their role in the failed containment of the COVID-19 virus.

- Rather than provide accurate information to other countries around the world, China actively concealed the danger, misrepresented critical information, and silenced those physicians in China who were speaking about the seriousness of the virus. As a result, the virus was unleashed to wreak havoc on the rest of the world.
- Complaint alleges in detail the actions and inactions of the Chinese Government, from when they first learned of the seriousness of COVID-19, the ease of human to human transmission, and the active concealment of the number of cases caused by the outbreak and its severity.
- Complaint contends that the COVID-19 virus may have been released by China's only "level 4" bio-agents lab, which handles the deadliest of viruses, and is located in Wuhan near the marketplace where COVID-19 allegedly originated.
- Next step will be to file an amended complaint by mid-April to add the many plaintiffs who have been harmed by COVID-19 and enhance the allegations with newly discovered information related to China's actions and/or inaction.
- Firm will also begin to take the appropriate steps to effectuate Service of Process on the Chinese government.
- The Class Action will consist of multiple categories and sub-categories of plaintiffs, which will range from individuals to businesses, and be further broken down by industry and service.

- On May 1, 2020, the Berman Law Group will appear before Judge Ungaro in the Southern District of Florida and explain their case.

Ultimately, the Berman Law Group is seeking to have China compensate American citizens and businesses for the trillions of dollars in damages they have and will suffer because of China's failures to act responsibly.

The Berman Law Group and the plaintiffs are holding China accountable for its failure to contain the virus, despite its knowledge of the danger and seriousness it poses to humanity.

3. Key Facts On China's Mishandling

- Dr. Ai Fen received reports of SARS-like disease in December 2019
- Hospital leaders and health commission officials ordered Fen silenced and censured; told to "stop spreading rumors"
- Dr. Fen noticed strong evidence of human-to-human transmission and infections appearing in family groups even after 'wet markets' were shut down
- Chinese authorities forced frontline health workers to stay silent about the virus, allowing it to not only spread but preventing them from getting the help they needed (can't treat what you can't talk about)
- First-generation virus infections are more likely to be lethal
- Law enforcement forced doctors to consult 'experts' at city and provincial levels when filling out infectious disease forms; health authorities prevented collection of samples and treatment of patients, increasing number of cases
- Li Wenliang (whistleblower) detained, questioned, reprimanded, and threatened by police, contracts coronavirus. Li and associates forced to sign a Form of Reprimand due to their behavior 'severely disrupt[ing] social order.'
- After Wenliang's death, Beijing tries to paint him as communist sympathizer who sacrificed himself for the good of the nation – government still accepts zero responsibility.
- PRC created a pandemic and intentionally acted slowly to contain the virus
- Wuhan bioweapons lab has history of not properly disposing of test animals, selling them in the local market instead

Sources

<https://www.businessinsider.com/wuhan-doctor-chinese-sounded-alarm-coronavirus-outbreak-december-2020-3>
https://www.vice.com/en_us/article/xgk9n/china-is-trying-to-rewrite-the-history-of-silenced-whistleblower-doctor-li-wenliang
<https://www.thehastingscenter.org/coronavirus-doctor-whistleblower/>
https://www.prweb.com/releases/the_berman_law_group_files_class_action_complaint_against_the_chinese_government_for_their_alleged_failures_to_contain_the_coronavirus/prweb16981743.htm
<https://topclassactions.com/lawsuit-settlements/lawsuit-news/coronavirus-covid-19/coronavirus-class-action-blames-china-for-pandemic>
<https://www.foxnews.com/world/china-legally-accountable-coronavirus>
<https://www.lawfuel.com/blog/suing-china-the-law-firm-suing-china-for-the-coronavirus/>

4. Summary

This is really important in several ways:

- This suit can help set the record straight for:
 - Understanding when, where and how coronavirus started and spread
 - Did China know about this and not tell the world after it was too late? If so for how long?
 - Did the World Health Organization also mishandle? Did they not get the data but yet say everything is OK back in January?
- Can hold wrongdoers for something preventable accountable and gives victims/families/businesses a fighting chance to seek damages
- As you know discussions around US <> China growing tensions because of this and China's propaganda campaign have skyrocketed

We strongly feel this is important for all Americans to know and read.

5. Yes. This Lawsuit can and will work.

Per our interview with Daily Caller (https://dailycaller.com/2020/03/24/china-coronavirus-class-action-lawsuit/#disqus_thread):

*Sovereign countries like China typically are **protected** by the doctrine of sovereign immunity in matters of legal liability, but the class-action lawsuit argues that federal courts have jurisdiction in this matter due to the tort and commercial activity exceptions spelled out in the Foreign Sovereign Immunities Act.*

“China has massive assets in the United States,” Alters noted. “If China has been reckless and careless with the health of our citizens, I am confident that the court and our government will hold them accountable under the law with enforcement against their assets or their businesses in the United States.”

“There are many ways that this can proceed ahead and pressure on their business interests here is one of them,” he said.

Further information can be provided.

As noted before, Jeremy Alters and Matthew Moore were successful vs. China in the drywall suits years ago.

6. Spokespersons for Media Interviews



Vinh Vuong, Chief Spokesperson of Suit & Partner @ Lucas | Compton

An entrepreneur since his teens, Vinh Vuong transforms ideas and prototypes into disruptive, high-valued startups through operational discipline, effective business development, and meaningful PR. The most notable startups that exited (before he entered college) include an algae biofuel company and a mobile ordering software, both are well-established enterprises today.

Then at 19 years old, Vinh took his data-driven, social media expertise and began delivering more than a dozen winning political campaigns at the local, state and national levels. From there, he founded VUONG Global, an international communications firm, where Vinh guided FTSE 100 and Fortune 500 corporations - with a cumulative market cap of over \$500 billion - through reputation management and digital transformation. He has worked with clients across a range of industries, including: financial services, healthcare, technology, private equity, and social & public sectors.

Additionally, being involved in many "war rooms" situations, from shareholder proxy fights to high-profile scandals, Vinh served as a data-driven crisis manager and strategic communications advisor for numerous corporate, startup/venture, government, and high-profile/high net-worth clients. He worked closely in many corporate litigation cases, including high-profile Supreme Court cases, political and policy campaigns, and is a highly sought after consultant to large, complex organizations, and high-profile individuals.

Vinh graduated from Penn State's Smeal College of Business with a bachelor's degree in management where he played a few seasons with the football team under Joe Paterno and a few seasons with the collegiate rugby team. He also completed the executive programs at the Harvard Business School and The Wharton School of Business at the University of Pennsylvania.

TD Ameritrade Network:

<https://tdameritradenetwork.com/video/rB4AoXCyHWOBcMCMPPgcCyA>

Newsmax: <https://youtu.be/Pxr5qkr-u2A>

Important Fact: Vinh Vuong’s father fought in the Vietnam war in the South Vietnamese Army alongside the U.S. army vs. the Communist North – heavily powered by Communist China. Following the fall of Saigon, Vinh’s family fled to America and built a life here and seek freedom. Vinh and his family strongly understand the power of Communist China and how they will deceive to gain power. He and his family do not want America to fall victim to China.



Jeremy Alters, Chief Firm Strategist (Non-Attorney) @ Berman Law Group

Mr. Alters was born in Chicago in 1971 and received his bachelor's degree in 1994 from the University of Massachusetts at Amherst and his Juris Doctor in 1996 from the University of Miami, School of Law. He was admitted to the Florida Bar in 1997, and quickly established himself as one of the premier litigators in the country. In 2004 the American Association for Justice (AAJ), presented him with the F. Scott Baldwin Award, for being the most outstanding trial lawyer under 40 in America. He has also been recognized at various times by United Who’s Who, Florida Trend Magazine and Super

Lawyers, and has held leadership positions in both local and national bar associations. He served as President of the Miami-Dade County Trial Lawyer Association as well being elected several times to the Executive Committee of AAJ, amongst many other positions. Mr. Alters no longer practices law and currently serves as the Chief Firm Strategist at the Berman Law Group.

Experience

During his legal career he settled cases and achieved verdicts totaling over \$4.5 billion dollars, making history multiple times with many record “firsts” in the Plaintiff’s arena. This success has meant innumerable large and notable verdicts and settlements. For, instance, in one of his earlier cases, he achieved a \$17.5 million settlement, despite a \$10,000 insurance policy limit, for a 16-year-old girl who was run over on the beach by an SUV, resulting in a catastrophic brain injury. At the time, it was the largest pre-verdict settlement on a \$10,000 insurance policy in United States history. It was also the single largest settlement in Florida history for one plaintiff. Before and after that result, Mr. Alters successfully litigated hundreds of cases to massive settlements, along with several dozen jury trials to winning verdicts, achieving tens of millions of dollars in jury awards and hundreds of millions of dollars in settlements. These results were on behalf of individuals and families who suffered catastrophic losses. These settlements and verdicts were in cases stemming from medical malpractice, product liability, wrongful death, maritime, trucking, transportation, and tragic personal injury cases. Jeremy’s greatest legacy in law was becoming known as an effective and passionate advocate for his clients, making their interests and pursuit of justice the singular focus of each case.

Mr. Alters has also received substantial national media attention for his role in single-handedly launching two of the largest Class Actions/MDLs in U.S. history. First, in a suit against most major national banks for their deceptive practice of re-sequencing overdraft fees, where it was shown that the banks had conspired to rig their debit clearing practices to extract huge and unjust fees from consumers. Starting with a \$410 million settlement from Bank of America, the litigation eventually led to over \$1.3 billion in related settlements for millions of consumers. Second, he was the first attorney in Florida to recognize that builders were importing defective and toxic drywall from China in the wake of Hurricane Katrina rebuilding and the mid-2000's building boom. The Chinese drywall essentially rotted homes, and their wiring and air conditioning systems, from the inside out, and he eventually represented more than 2000 homeowners. His efforts led to an over 1.2 billion dollar settlement with Knauf and a second settlement with a Chinese National Corporation, Taishan Limited, the manufacturer of the other Chinese defective drywall, and a host of major homebuilders, distributors, and suppliers.

Another example was a \$1.179 billion verdict and judgment to pay damages to a Miami family for the wrongful death of their father, a prominent Cuban businessman. The judge found the defendants, Fidel Castro, Raul Castro, Ernesto "Che Guevara," the Cuban Ministry of Interior, and the Cuban Army guilty of inflicting intentional emotional distress that eventually led to the man's suicide. At the time, this monumental decision marked the single largest verdict awarded to a family in history.

Mr. Alters continues to bring his passion for justice as a Senior Consultant for litigation strategy and business to Berman Law Group, and also focuses on other entrepreneurial and investment/venture capital opportunities. For the last 20 years Mr. Alters was heavily involved in international and U.S. politics. He represented South American Presidents and politicians during the time period of 2008-2015. Mr. Alters began his foray into U.S. politics as early as 2000. In 2003, he became one of the first Finance Committee members for Senator John Kerry's Presidential run. Then in 2007, he came out as one of the first, and only trial lawyers to support then Senator Obama's first Presidential run. He was one of the first members of the finance committee, and then again in 2012 for President Obama's re-election he repeated his efforts and was known as one of the people that supported Obama from the very beginning, while others stayed away. He has raised and donated millions of dollars to democrats over the years and became a prominent figure in Democratic politics.

Jeremy's first and most important role is being a Dad who is nearly inseparable from his three children, Logan, Dawson and Cameron, always ensuring that they come first, no matter his business success. He has made a point to generously give back to the communities he grew up in. He has provided scholarships to many disadvantaged youths, getting them great private educations and mentoring them as they realize their previously out-of-reach dreams of becoming college students and athletes. He has made millions of dollars in gifts to various youth sports teams, Nova Southeastern University School, The Boys and Girls Club of Hollywood, Memorial Regional Hospital System, Peluditos Con Futuro Dog shelter in Colombia, and numerous others. For fun, he surfs with his kids around the world, rides his fat tire beach

bike, collects art, attends all of his kids' games and matches, and most importantly spends time with his dogs, family and girlfriend Lina.

Jeremy's Latest Interview: https://www.youtube.com/watch?v=dTwZmQrA_5Y



Matthew Moore, Attorney, Berman Law Group

A resident of Los Angeles, Matthew was born and raised outside of Boston. Growing up in a family of lawyers, he swore he would never be one. After receiving his bachelor's degree and graduating with distinction in his major from Trinity College (Hartford, CT), he was first an entrepreneur in Boston before moving to Los Angeles, where he became a management and marketing executive. He has produced TV commercials and digital media; built domestic and international sales channels for publishing and entertainment products; and developed e-commerce strategies for a variety of consumer products and services. One day he found himself in the middle of an LGBT focused hate crime, and in the

process of helping the victim seek justice, discovered a passion for the law and advocacy – and realized you should never say “never.”

A series of subsequent events brought him to law school in South Florida, where he graduated number one in his class and summa cum laude from the Shepard Broad College of Law at Nova Southeastern University in Fort Lauderdale in 2009. Along the way he was editor in chief of the Nova Law Review and received the Student Bar Association's Award for Academic Excellence, an honor chosen by his fellow students.

Experience

While in law school Matthew clerked at Alters Law Firm, a boutique “plaintiff’s firm,” and joined the firm after being admitted to the Florida Bar. Working alongside the firm’s chief strategist, Jeremy Alters, Matthew has been a part of billions of dollars in settlements and verdicts. His work has included national class actions and mass torts, as well as catastrophic injury, product liability and medical malpractice actions. A legal researcher and writer at heart, he provides complex litigation strategy and support, and also handles civil appeals.

Notably, Matthew was a key part of shaping and drafting the litigation that became *In re: Checking Account Overdraft Litigation*, which resulted in over \$1.3 billion in settlements from dozens of U.S. banks that charged customers unjustified overdraft fees. He was also a key part of shaping and drafting the Florida litigation that became *In re: Chinese Manufactured Drywall*

Product Liability Litigation, which has resulted in over a \$1 billion settlement for thousands of homeowners who unwittingly had defective drywall installed in their homes in the wake of Hurricane Katrina and the mid-2000's building boom.

In 2014, he was appointed co-class counsel in the Red Bull false advertising class action in the Southern District of New York. Matthew led the oral argument, and the settlement hearing resulted in a \$16.4 million total settlement, including an innovative compensation plan that gave the large pool of class members the option to receive a free 4-pack of Red Bull direct from the company.

Thanks to the diversity of his pre-law background, Matthew also helps entrepreneurs and small to mid-sized businesses navigate joint ventures and expansions into new products and territories. He also assists new businesses in navigating the start-up and seed capital process. Matthew returned to Los Angeles full time in Fall 2018, and passed the notoriously difficult California Bar Exam on his first try, and was admitted to the California Bar in January 2019.

**COPY OF FULL COMPLAINT ON STARTS
ON NEXT PAGE.**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**
Miami Division

LOGAN ALTERS, MARTA REYES,
LAWRENCE WOOD, STEPHEN CLYNE
and THE PITCHING LAB d/b/a
TBT TRAINING
on behalf of themselves, and all those
similarly situated,

Plaintiffs,

v.

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CLASS ACTION
JURY TRIAL DEMANDED

PEOPLE'S REPUBLIC OF CHINA;
NATIONAL HEALTH COMMISSION
OF THE PEOPLE'S
REPUBLIC OF CHINA;
MINISTRY OF EMERGENCY MANAGEMENT
OF THE PEOPLE'S REPUBLIC OF CHINA;
MINISTRY OF CIVIL AFFAIRS OF THE
PEOPLE'S REPUBLIC OF CHINA;
THE PEOPLE'S GOVERNMENT OF HUBEI
PROVINCE; and THE PEOPLE'S GOVERNMENT
OF CITY OF WUHAN, CHINA.

Defendant.

_____ /

CLASS ACTION COMPLAINT

Plaintiffs, LOGAN ALTERS, MARTA REYES, LAWRENCE WOOD, STEPHEN CLYNE, and THE PITCHING LAB LLC d/b/a TBT TRAINING (collectively, "Named Plaintiffs"), on behalf of themselves and all those similarly situated, and by and through their undersigned counsel, hereby sue the PEOPLE'S REPUBLIC OF CHINA ("the PRC"); NATIONAL HEALTH COMMISSION OF THE PEOPLE'S REPUBLIC OF CHINA; MINISTRY OF EMERGENCY MANAGEMENT OF THE PEOPLE'S REPUBLIC OF CHINA; MINISTRY OF CIVIL AFFAIRS OF THE PEOPLE'S REPUBLIC OF CHINA;

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THE PEOPLE’S GOVERNMENT OF HUBEI PROVINCE; and THE PEOPLE’S GOVERNMENT OF CITY OF WUHAN, CHINA (collectively “Defendants”), for damages, and further allege as follows:

INTRODUCTION

1. This is class action brought by the Named Plaintiffs, individuals and business owners in the United States and State of Florida, for damages suffered as a result of the Coronavirus pandemic, against Defendants, the People’s Republic of China and its various government entities overseeing the response to the Coronavirus pandemic in China generally and within Hubei Province and the City of Wuhan.

2. The world has been devastated in recent days by the ongoing march of the new strain of the Coronavirus, more commonly known as COVID-19. The virus began in Wuhan, Hubei Province, China in December 2019, and has quickly spread throughout Asia, Europe and, North America.

3. The PRC and the other Defendants knew that COVID-19 was dangerous and capable of causing a pandemic, yet slowly acted, proverbially put their head in the sand, and/or covered it up for their own economic self-interest.

4. The conduct of Defendants has caused injury and incalculable harm to Named Plaintiffs and Class Members, and such injury and harm will only multiply in coming days and weeks. The Defendants’ conduct has caused and will continue to cause personal injuries and deaths, as well as other damages.

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PARTIES

5. Logan Alters, is a resident of Miami-Dade County, Florida who has been injured and damaged by Defendants' conduct, as described herein, and is otherwise *sui juris*.

6. Marta Reyes, is a resident of Miami-Dade County, Florida who has been injured and damaged by Defendants' conduct, as described herein, and is otherwise *sui juris*.

7. Lawrence Wood, is a resident of Palm Beach County, Florida who has been injured and damaged by Defendants' conduct, as described herein, and is otherwise *sui juris*.

8. Stephen Clyne, is a resident of Palm Beach County, Florida who has been injured and damaged by Defendants' conduct, as described herein, and is otherwise *sui juris*.

9. The Pitching Lab LLC d/b/a TBT Training ("TBT Training"), is a Florida limited liability company that has been injured and damaged by Defendants' conduct.

10. Class Members are those individuals and entities similarly situated to Named Plaintiffs, and will number in the millions.

11. The People's Republic of China ("the PRC") is a foreign state.

12. The National Health Commission of the People's Republic of China is the administrative government body/executive department under the PRC which is responsible for formulating health policies in Mainland China.

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13. Ministry of Emergency Management of the People’s Republic of China is the administrative government body that coordinates emergency management within the PRC.

14. Ministry of Civil Affairs of the People’s Republic of China is the administrative government body responsible for social and administrative affairs.

15. The People’s Government of Hubei Province (“Hubei Province”) is a foreign province and administrative head of Hubei Province in the PRC.

16. The People’s Government of City of Wuhan, China (“Wuhan”) is a foreign city and administrative head of the City of Wuhan, China

JURISDICTION AND VENUE

17. This Court has subject matter jurisdiction over this class action pursuant to the Class Action Fairness Act of 2005 (CAFA) and 28 U.S.C. § 1332(d). The matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$5,000,000, there exists minimal diversity between parties, and there are millions of putative class members.

18. This Court further has jurisdiction under the Foreign Sovereign Immunities Act (FSIA) of 1976, 28 U.S.C. §§ 1602 *et seq.*, and particularly the exceptions of § 1605(a)(2) (for acts outside the territory of the United States in connection with a commercial activity of the Defendants, that cause a direct effect in the United States), and § 1605(a)(5) (for money damages for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious acts or omissions of Defendants, or of any official or employee of Defendants while acting within the scope of his office or employment).

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19. There is no “discretionary acts” exception to jurisdiction under the FSIA, as Defendants have acted clearly contrary to the precepts of humanity, and/or their conduct is prohibited by the internal laws of the PRC and its provincial and municipal governments.

20. This Court has personal jurisdiction over Defendants because Defendants have caused tortious harm to Named Plaintiffs and Class Members, in the United States and Florida and this District and have sufficient contacts in Florida and this District to render the exercise of jurisdiction by this Court permissible.

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

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

GENERAL ALLEGATIONS

The Outbreak of COVID-19

23. As of March 12, 2020, there are over 140,000 confirmed worldwide cases, nearly 5,000 deaths, and an exponentially larger number of undiagnosed cases. These numbers are expected to continue to explode in the coming days and months.

24. As of March 12, 2020, there are over 1635 confirmed cases and there have been 40 deaths. These numbers are expected to rise exponentially in the coming days and weeks.

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25. The exponential rise in cases, even reaching people like Tom Hanks and his wife Rita Wilson, and a professional basketball player Donovan Mitchell of the Utah Jazz, as of March 11th, demonstrates that COVID-19 spreads easily and rapidly.

26. The virus causes cold and flu like symptoms, that lead to pneumonia and severe respiratory distress that can be fatal.

27. The World Health Organization declared the COVID-19 outbreak a pandemic in recent days.

28. The news from countries like Italy has demonstrated how easily and fully COVID-19 has and will bring countries to a halt, causing not only injuries and deaths, but devastating economic impacts.

The Effects of the COVID-19 Outbreak and China's Role

29. Because of the rising threats, the United States has barred plane travel from China, the European Union and other countries. The New York Stock Exchange has suffered its worst losses since the 2008 "great recession." Public functions and events are being cancelled one after another, including the shuttering of sporting events, Broadway shows, and other gatherings. Hotels have shuttered, several cruise lines have suspended operations for the next two months, and the travel industry overall is being gutted by cancellations. Businesses are suffering because of both disruptions to their supply chains and a scarcity of patrons and customers. The public is in panic, wiping out stocks of toilet paper, hand sanitizers, face masks, and other items. And it will go on and on.

30. The PRC and other Defendants, acting from their own economic self-interest and looking to protect their place as a super-power, failed to report the outbreak

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as quickly as they could have; underreported cases; and failed to contain the outbreak despite knowing the seriousness of the situation.

31. Among other acts and omissions, Defendants, or some of them:
 - a. Censored eight doctors on January 1, 2020, from speaking about the outbreak and its dangers.
 - b. Even after the first death on January 9th, they continued to downplay the dangers and assured the public that the situation was not serious and that everything was under control.
 - c. It took 17 days from the time Chinese researchers discovered the COVID-19 genome sequence for Defendants to report the findings to their world-wide peers.
 - d. They knew COVID-19 was spread human to human by January 3rd, but told the public otherwise, and would not confirm the ease of human to human transmission until January 20th, after the virus had already spread beyond China.
 - e. China President Xi Jinping originally stated that he directed officials to contain the virus on January 7th, but it has since emerged that he did not do that, and that he actually waited until January 22nd to do direct containment, and still did not make any efforts public until it was too late.
 - f. Despite early January deaths, they would only attribute the deaths to pneumonia, instead of the virus, and continued to downplay its dangers.
 - g. Wuhan's leaders held a public dinner for over 40,000 families on January 18, despite knowing the ease of human to human spread of the virus.

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32. Furthermore, there are only two known Chinese government bio-weapon research labs in the PRC and one of them — the National Biosafety Laboratory at the Wuhan Institute of Virology — is, at its name suggests, in Wuhan, and is close in proximity to the marketplace where COVID-19 allegedly originated. It is considered China’s only “level 4” microbiology lab – meaning it deals with the deadliest of viruses. An alternative theory here is that COVID-19 escaped from the Wuhan lab because of lax controls, or that Chinese researchers sold lab animals to the marketplace in question, as researchers have been known to do in China, instead of cremating them as PRC law requires. In either case, such conduct, as an alternative theory, has caused the pandemic.

33. Defendants’ conduct has set off a world-wide pandemic assault that is triggering community by community and causing widespread injuries and damages.

34. In short, Defendants’ conduct has been egregious and clearly contrary to the precepts of humanity, and/or their conduct is prohibited by the internal laws of the PRC and its provincial and municipal governments, and never should have been allowed in the first place.

35. Because of Defendant’s conduct, as described herein, Named Plaintiffs and Class Members have or are virtually certain to suffer physical illness or death, as well as emotional distress, and its physical manifestations, from the effects of the outbreak, and other damages.

36. Because of Defendant’s conduct, as described herein, TBT Training and Class Members who own or operate businesses have or are virtually certain to suffer injury and damages from the effects of the outbreak.

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37. This pandemic is likely to injure a substantial majority of all persons and entities within the United States and the State of Florida.

38. The personal injuries being sustained are universal and not linked to individualized factors.

39. Any condition precedent to the filing of this lawsuit has been satisfied, met, and/or waived.

CLASS ACTION ALLEGATIONS

40. The Named Plaintiffs with claims against Defendants assert National and Florida Non-Commercial Tort Classes pursuant to Rules 23(a), (b)(1), (b)(2), (b)(3) and/or 23(c)(4) of the Federal Rules of Civil Procedure, on behalf of themselves and those similarly situated, against the Defendants for whom they have standing. The Named Plaintiffs define the National Non-Commercial Tort Class as follows:

All persons and legal entities in the United States who have suffered injury, damage, and loss related to the outbreak of the COVID-19 virus.

And define the Florida Non-Commercial Tort Sub-Class as follows:

All persons and legal entities in the State of Florida who have suffered injury, damage, and loss related to the outbreak of the COVID-19 virus.

41. Plaintiff TBT Training also asserts a National and Florida Commercial Classes, pursuant to Rules 23(a), (b)(1), (b)(2), (b)(3) and/or 23(c)(4) of the Federal Rules of Civil Procedure, on behalf of itself and those similarly situated, against the Defendants for whom they have standing. TBT Training defines the National Commercial Class as follows:

All persons and legal entities in the United States whose businesses have suffered injury, damage, and loss related to the outbreak of the COVID-19 virus.

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And defines the Florida Commercial Sub-Class as follows:

All persons and legal entities in the State of Florida whose business have suffered injury, damage, and loss related to the outbreak of the COVID-19 virus.

42. Excluded from the Classes are the following: (1) the Defendants, and any parent, subsidiary or affiliate organizations, and the officers, directors, agents, servants, or employees of same, and the members of the immediate family of any such person; (2) all persons and entities who timely opt out of this proceeding; (3) all persons who have given valid releases releasing Defendants from the claims asserted in this Complaint; (4) all persons who, prior to the filing of this Complaint, have filed a non-class action claim against the Defendants (or any of them) for the claims asserted in this Complaint; and (5) the judge(s) to whom this case is assigned, their employees and clerks, and immediate family members.

43. The Classes are sufficiently numerous such that the joinder of all members of the Classes in a single action is impracticable. The population of the United States is over 327,000,000 and the population of Florida is over 21,000, and a substantial majority of those persons and related entities have been or will in the immediate future be affected by Defendants' wrongful conduct.

44. There are numerous common questions of law and fact that predominate over any questions affecting only individual members of the Classes and/or Subclasses. Among these common questions of law and fact are the following:

- a. Whether Defendants' conduct was negligent and/or reckless;
- b. Whether Defendant's conduct was clearly contrary to the precepts of humanity;
- c. Whether Defendants' conduct violated established laws within the PRC;

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- d. Whether the PRC's bio-weapons labs are ultrahazardous activities, and caused the release of the virus;

45. The claims of the Named Plaintiffs are typical of the claims of each member of the Classes and Sub-Classes in that, among other issues:

- a. The Named Plaintiffs' claims arise from the same course of conduct of Defendants giving rise to the claims of other Class Members;
- b. The claims of the Named Plaintiffs and each member of the Class are based upon the same legal theories;
- c. The Named Plaintiffs and each member of the Classes have an interest in prevailing on the same legal claims;
- d. The types of damages incurred by the Named Plaintiffs are similar to those incurred by the other Class Members;
- e. The defenses asserted by Defendants will be very similar, if not identical, as to all Named Plaintiffs and Class Members.

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

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

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

49. The claims for injunctive relief in this case are certifiable under Fed. R. Civ. P. 23(b)(2). Defendants have acted or refused to act on grounds that apply generally to the Classes, so that final injunctive relief and/or declaratory relief is appropriate respecting the Classes as a whole.

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

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unnecessary burden on the Court's resources; and (6) Management of the class will be efficient and far superior to the management of individual lawsuits. Moreover, currently, the undersigned counsel is unaware of any other pending litigation regarding this controversy with respect to the claims asserted here.

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

52. Named Plaintiffs have retained the above counsel to represent them in this lawsuit, and are obligated to pay said counsel reasonable attorneys' fees provided recovery is obtained.

COUNT I – NEGLIGENCE

(Named Plaintiffs and each Class and Sub-Class; Against all Defendants)

53. Named Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 52, as if fully set forth herein, and further allege:

54. Defendants had a duty to persons in the United States, including Named Plaintiffs and the members of the classes, to not act negligently in their handling of the COVID-19 outbreak, such that COVID-19 did not spread as it did.

55. Defendants breached their duty to Plaintiffs and the members of the classes, by, among other breaches:

- a. Failure to admit their knowledge of the dangers of the virus, its lethality, and the ease of human to human transmission;

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- b. Failure to contain the virus in its early stages when they knew or should have known of its dangers and ease of transmission;
- c. Failure to contain the virus more quickly when the spread was apparent;
- d. Failure to restrict a public gathering of more than 40,000 Wuhan families when they knew or should have known of the dangers of the virus and ease of transmission;
- e. Failure of the governmental entities to adequately and reasonably supervise the outbreak and contain its effects;
- f. Failure to provide adequate and reasonable warning to Named Plaintiffs and members of the classes when they knew or should have known of the dangers described herein; and
- g. Dissemination of materials and statements that provided the wrong information to people within and outside China.

56. As a direct and proximate result of Defendants' breaches as described herein, Named Plaintiffs and the members of the classes have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.

COUNT II – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
(Named Plaintiffs and each Class and Sub-Class; Against all Defendants)

57. Named Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 52, as if fully set forth herein, and further allege.

58. Due to the negligence described herein, Named Plaintiffs and the members of the classes have suffered discernable physical manifestations and injuries of trauma from the negligent conduct, including, but not limited, to physical pains, headaches, anxiety, and insomnia.

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59. These physical injuries and manifestations have been directly caused by the by the psychological trauma suffered due to Defendant's egregious conduct and its effect on themselves and their loved ones.

60. Named Plaintiffs and the members of the classes have been in close proximity to the negligent conduct causing their injuries.

61. Named Plaintiffs and the members of the classes have a close personal relationship to the directly injured persons if it not themselves who have been directly injured.

62. As a direct and proximate result of Defendants' conduct as described herein, Named Plaintiffs and the members of the classes have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Named Plaintiffs and each Class and Sub-Class; Against all Defendants)

63. Named Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 52, as if fully set forth herein, and further allege:

64. Alternatively to the negligence described herein, Defendants acted intentionally and/or recklessly out of their own economic self-interest, and knew or should have known that emotional distress would likely result from their conduct.

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

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66. Defendants' conduct has caused severe emotional distress to the Named Plaintiffs and the members of the classes.

67. As a direct and proximate result of Defendants' intentional and reckless conduct, as described herein, Named Plaintiffs and the members of the classes have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.

COUNT IV – STRICT LIABILITY FOR CONDUCTING ULTRAHAZARDOUS ACTIVITY
(Named Plaintiffs and each Class and Sub-Class; Against all Defendants)

68. Named Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 52, as if fully set forth herein, and further allege:

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

70. In February, after the PRC's President Xi Jinping finally began speaking openly about the outbreak and its spread, it was reported by the media that the Chinese Ministry of Science and Technology released a new directive titled: "Instructions on strengthening biosecurity management in microbiology labs that handle advanced viruses like the novel coronavirus." Clearly, Defendants knew or should have known about containment issues within their microbiology labs, such as the ones operating in Wuhan, and that those labs handle viruses such as COVID-19.

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

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

73. The conduct of Defendants in connection with activities at the National Biosafety Laboratory constitutes an ultrahazardous activity under US and Florida law because:

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

74. The harms alleged herein are the result of Defendants’ ultrahazardous activity.

75. The harms suffered by the Named Plaintiffs and members of the classes are within the abnormal risk of harm posed by Defendants’ ultrahazardous activity.

76. By conducting this ultrahazardous activity, Defendants’ acts and omissions demonstrate a conscious disregard or indifference to the rights, welfare, and safety of Named Plaintiffs and the members of the classes.

77. As a direct and proximate result of Defendants’ ultrahazardous activity, as described herein, Named Plaintiffs and the members of the classes have been injured

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and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.

78. Because Defendants engaged in ultrahazardous activity that caused damages to Named Plaintiffs and the members of the classes, Defendants are strictly liable to them for their damages.

COUNT V – PUBLIC NUISANCE

(Named Plaintiffs and each Class and Sub-Class; Against all Defendants)

79. Named Plaintiffs adopt, incorporate by reference, and restate the foregoing allegations in paragraphs 1 through 52, as if fully set forth herein, and further allege:

80. Defendants, and more specifically the PRC, Hubei Province and the City of Wuhan, had a duty to the public at large, including Named Plaintiffs and members of the classes, not to use the property where the Wuhan Institute of Virology is located, and/or create a condition that harms public health.

81. Defendants, and more specifically the PRC, Hubei Province and the City of Wuhan, had a duty to the public at large, including Named Plaintiffs and members of the classes, not to use the city and province as, essentially a giant Petri dish, continuing to conduct extraordinarily large public gatherings, knowing of the dangers of the virus and the ease of transmission.

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

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83. Defendants' conduct has created a nuisance that violated rights, subverted public order in the United States and Florida, is indecent and immoral, and has caused annoyance, inconvenience and damage to the public, including Named Plaintiffs and the members of the classes.

84. Defendants' conduct and created nuisance has resulted in unreasonable injury to Named Plaintiffs and the members of the classes.

85. As a direct and proximate result of Defendants' nuisance, as described herein, Named Plaintiffs and the members of the classes have been injured and harmed, and have suffered damages and economic harms, and seek actual, special, and compensatory damages.

DEMAND FOR JURY TRIAL

Named Plaintiffs, on their own behalf and on behalf the Classes and Sub-Classes, demand a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, LOGAN ALTERS, MARTA REYES, LAWRENCE WOOD, STEPHEN CLYNE, and THE PITCHING LAB LLC d/b/a TBT TRAINING, individually and as putative Class Representatives, demand judgment against Defendants, and pray for relief as follows:

- a. Certification of the Classes under Federal Rule of Civil Procedure 23 and appointment of Plaintiffs as representatives of the respective Classes and their undersigned counsel as Class counsel;
- b. An order appointing Named Plaintiffs as Class Representatives of the National and Florida Non-Economic Classes;

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- c. An order appointing Named Plaintiff TBT Training as Class Representative of the National and Florida Commercial Classes;
- d. An order requiring that Defendants pay compensatory and other damages to Plaintiffs and the Class Members, for their economic and non-economic damages identified herein, to the full extent permitted by the law;
- e. An order awarding all damages allowed by any governing statutes;
- f. Statutory pre-judgment and post-judgment interest on any amounts awarded;
- g. Costs and expenses in this litigation, including, but not limited to, expert fees, filing fees, and reasonable attorneys' fees; and
- h. Such other relief as the Court may deem just and proper.

Dated this 12th day of March, 2020.

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