

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE**

ELECTRONICALLY FILED

ESTATE OF JANICE MARY KELLY,)
DECEASED, BY AND THROUGH, HER)
EXECUTRIX, MONICA KELLY MOLNAR)

Plaintiff,)

v.)

Civil Action No. 3:22-cv-387-DJH

THE PEOPLE’S REPUBLIC OF CHINA,)
THE COMMUNIST PARTY 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, PEOPLE’S)
GOVERNMENT OF HUBEI)
PROVINCE, PEOPLE’S GOVERNMENT)
OF WUHAN CITY, WUHAN INSTITUTE)
OF VIROLOGY, and CHINESE)
ACADEMY OF SCIENCES,)

Defendants.)

COMPLAINT

COMES NOW the Plaintiff, the Estate of Janice Mary Kelly, deceased, by and through her Executrix, Monica Kelly Molnar, by counsel, and for her Complaint against the Defendants named in the caption above, hereby states the following:

NATURE OF THE ACTION

1. In this case, the decedent, Janice Mary Kelly, died tragically from pneumonia and acute hypoxic respiratory failure due to COVID-19 infection, one of many victims of the COVID-19 pandemic that has disrupted the entire world.
2. An appalling campaign of deceit, concealment, misfeasance, and inaction by Chinese authorities unleashed this pandemic. During the critical weeks of the initial outbreak, Chinese authorities deceived the public, suppressed crucial information, arrested whistleblowers, denied human-to-human transmission in the face of mounting evidence, destroyed critical medical research, permitted millions of people to be exposed to the virus, and even hoarded personal protective equipment—thus causing a global pandemic that was unnecessary and preventable. Defendants are responsible for the enormous death, suffering, and economic losses they inflicted on the world, including Janice Mary Kelly, and they should be held accountable.
3. Kentucky has endured an urgent public health crisis due to the COVID-19 pandemic.
4. As of July 11, 2022, Kentucky had more than 1.4 million infections from COVID-19, and more than 16,244 Kentuckians have died, with new strains of the virus and cases continuing (according to the KDPH COVID-10 Data, Kentucky Department of Public Health (July 17, 2022)).
5. Kentucky is not alone: the virus unleashed by the Communist Party of China and the Chinese government has left no community in the world untouched.
6. This COVID-19 pandemic is the direct result of a sinister campaign of malfeasance and deception carried out by Defendants.
7. Defendants, in violation of their duties to the international community, engaged in dangerous activities that imperiled the lives and health of millions.

8. When their actions began to kill hundreds of thousands of people across the globe, Defendants sought to minimize the consequences, engaging in a coverup and misleading public relations campaign by censoring scientists, ordering the destruction and suppression of valuable research, and refusing cooperation with the global community, all in violation of international health standards.
9. Defendants' actions and inactions had profound effects in Kentucky. Literally every Kentuckian has been adversely affected by Defendants' course of conduct, with the most tragic victims being those who succumbed to the virus, such as Janice Mary Kelly, leaving loved ones to mourn from afar due to stringent lockdowns and quarantines.
10. This civil action seeks to hold Defendants accountable for the extraordinary public-health crisis that they created, by their wrongful, willful and gross negligent conduct, which resulted in the injury and tragic death of Janice Mary Kelly, and to allow her Estate to recover damages from the Defendants to compensate it and the decedent's kindred as a result of Defendants' actions and inactions.

PARTIES

11. The decedent, Janice Mary Kelly, was at all times relevant hereto, an unmarried resident of Jefferson County, Kentucky, and tragically died due to COVID-19 infection as a result of Defendants' actions and inactions described herein, on November 2, 2020, leaving as her immediate surviving heirs, her children, Monica Kelly Molnar, Cynthia Sikorsky, Michael J. Kelly and Joel S. Kelly. Monica Kelly Molnar was appointed as the Executrix of the Estate of Janice Mary Kelly by the Jefferson District Court, Probate Division, in Louisville, Jefferson County, Kentucky, in action number 20-P-004889, on January 13, 2021. No other administration of the Estate of Janice Mary Kelly has been filed in Kentucky or elsewhere.

12. Defendant People's Republic of China ("PRC" or "China") is a communist nation in Asia.
13. Defendant Communist Party of China ("CPC" or "Communist Party") is the sole governing party within China, and the Communist Party's General Secretary becomes the president of the PRC.
14. On information and belief, the Communist Party is not an organ or political subdivision of the PRC, nor is it owned by, or is a political subdivision, of the PRC, thus it is not protected by sovereign immunity. See, e.g., *Yaodi Hu v. Communist Party of China*, [2012 WL 7160373](#), at *3 (W.D. Mich. Nov. 20, 2012) (holding the Communist Party of China is not entitled to immunity under the Foreign Sovereign Immunities Act).
15. On information and belief, at all relevant times, the Communist Party exercised direction and control over the actions of all other Defendants.
16. Defendant National Health Commission of the People's Republic of China ("National Health Commission") is a ministry of the PRC's State Council charged with formulating health policies.
17. Defendant Ministry of Emergency Management of the People's Republic of China ("Ministry of Emergency Management") is a ministry of the PRC's State Council charged with emergency management and emergency rescue.
18. Defendant Ministry of Civil Affairs of the People's Republic of China ("Ministry of Civil Affairs") is a ministry of the PRC's State Council charged with social and administrative affairs.
19. The People's Government of Hubei Province ("Hubei Province") is the provincial government of the geographical Hubei province in the PRC.
20. The People's Government of the City of Wuhan ("City of Wuhan") is the city government of the capital city of Hubei Province in the PRC.

21. On information and belief, at all relevant times, the PRC, National Health Commission, Ministry of Emergency Management, Ministry of Civil Affairs, Hubei Province, and City of Wuhan (collectivity, the “Chinese Government Defendants”) and the Communist Party acted in concert with one another and acted as agents and/or principals of one another in relation to the conduct described herein.
22. The Wuhan Institute of Virology (“Wuhan Institute”) is located in Wuhan and is a research institute that studies virology and related topics.
23. Since at least November 2019, the Wuhan Institute has conducted research on coronaviruses.
24. Cables from the United States Department of State have warned of safety concerns at the Wuhan Institute.¹
25. The United States is currently conducting “a full-scale investigation into whether the novel coronavirus, which went on to morph into a global pandemic that has brought the global economy to its knees, escaped from” the Wuhan Institute.²
26. Defendant Chinese Academy of Sciences (“Chinese Academy of Sciences”) is the national academy of the natural sciences for the PRC and describes itself as “the linchpin of China’s drive to explore and harness high technology and the natural sciences for the benefit of China.”³

¹ “State Department cables warned of safety issues at Wuhan lab studying bat coronaviruses,” Washington Post (Apr. 14, 2020), available at: <https://www.washingtonpost.com/opinions/2020/04/14/state-departmentcables-warned-safety-issues-wuhan-lab-studying-bat-coronaviruses/>.

² “US officials confirm full-scale investigation of whether coronavirus escaped from Wuhan lab,” Fox News (Apr. 17, 2020), available at: <https://www.foxnews.com/politics/us-officials-investigation-coronaviruswuhan-lab>.

³ “About Us,” Chinese Academy of Sciences, available at: http://english.cas.cn/about_us/introduction/201501/t20150114_135284.shtml.

27. The Chinese Academy of Sciences seeks to “commercialize” its discoveries and boasts about spinning off hundreds of companies from its activities.⁴
28. The Chinese Academy of Sciences administers the Wuhan Institute.
29. On information and belief, at all relevant times, the Wuhan Institute and Chinese Academy of Sciences (collectively, the “Laboratory Defendants”), along with the Chinese Government Defendants and CPC, acted in concert with one another and acted as agents and/or principals of one another in relation to the conduct described herein.

JURISDICTION AND VENUE

30. Article III, Section 2 of the United States Constitution extends the judicial power of federal courts to “all Cases ... between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.”
31. This Court is given jurisdiction of this matter under 28 U.S.C. § 1330, which provides for jurisdiction over foreign states, and 28 U.S.C. § 1332(a), which provides for jurisdiction over citizens of a State and citizens or subjects of a foreign state and a foreign state itself, where the amount in controversy exceeds \$75,000.
32. The amount in controversy in this matter exceeds \$75,000.
33. This Court has jurisdiction over cases filed against foreign states such as the Chinese Government Defendants under the commercial activity exception to the Foreign Sovereign Immunities Act (“FSIA”), 28 U.S.C. § 1605(a)(2), which provides:
 - (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case— ... (2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States.

⁴ Id.

34. A commercial activity is defined to be “either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.” 28 U.S.C. § 1603(d).
35. On information and belief, the conduct of Defendants described below arises out of commercial activities that have caused a direct effect in the United States and in the Commonwealth of Kentucky, including, but not limited to: (1) operation of the healthcare system in Wuhan and throughout China; (2) commercial research on viruses by the Wuhan Institute and Chinese Academy of Sciences; (3) the operation of traditional and social media platforms for commercial gain; and (4) production, purchasing, and import and export of medical equipment, such as personal protective equipment (“PPE”), used in COVID-19 efforts.
36. Additionally, and in the alternative, this Court has jurisdiction over cases filed against foreign states such as the Chinese Government Defendants under the non-commercial tort exception to the FSIA, 28 U.S.C. § 1605(a)(5), which provides:
- (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case— ... (5) not otherwise encompassed by [the commercial activities exception], in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office or employment; except this paragraph shall not apply to— (A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused, or (B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.
37. The non-commercial tort exception of 28 U.S.C. § 1605(a)(5) applies here because money damages are sought against “a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States.”

38. Specifically, for purposes of the non-commercial tort exception of 28 U.S.C. § 1605(a)(5), each of the counts enumerated below are torts occurring in the United States.
39. In addition, the Communist Party is not a foreign state or an agency or instrumentality of a foreign state, and is not entitled to any form of sovereign immunity.
40. This Court has personal jurisdiction over the Defendants because the torts, harms, and injuries occurred in this District and in this Division of this District, and they otherwise have sufficient contacts in Kentucky and the rest of the United States to render the exercise of jurisdiction by this Court permissible.
41. 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 Plaintiff's claims occurred in this District and in this Division of this District.

GENERAL ALLEGATIONS

THE ORIGINS OF COVID-19

42. COVID-19 is an infectious disease that is caused by a novel coronavirus, severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
41. Humans are believed to have first contracted COVID-19 in late 2019, although the precise date is unknown. Some sources date the first known case in China to November 17, 2019, or possibly earlier.⁵ A variety of sources also date the first known case to December 2019.

⁵ “Coronavirus: China’s first confirmed Covid-19 case traced back to November 17,” South China Morning Press (March 13, 2020), available at: <https://www.scmp.com/news/china/society/article/3074991/coronaviruschinas-first-confirmed-covid-19-case-traced-back>.

42. One theory on the origin of the virus is that it made a zoonotic transmission from animals at a wet market in Wuhan (the “Wuhan Seafood Market”).⁶

43. Another emerging theory on the origin of the virus is that it was released from the Wuhan Institute of Virology, which was studying the virus as part of a commercial activity.⁷

44. After first transmission, the virus began to spread rapidly.

45. According to The Lancet, one of the earliest known patients “a man affiliated with the Wuhan Seafood Market” had a symptom onset date of December 1, 2019.⁸

46. Just five days later, the wife of this patient “who had no affiliation with the market” began exhibiting symptoms, indicating human-to-human transmission.⁹

47. According to a study in the Chinese Medical Journal, sometime between December 18 and 29, 2019, laboratory testing was being done on patients who exhibited symptoms consistent with COVID-19.¹⁰

48. The study in the Chinese Medical Journal attributed the illnesses to “[a] novel bat-borne [coronavirus] ... that is associated with severe and fatal respiratory disease in humans.”¹¹

⁶ “Clinical features of patients infected with 2019 novel coronavirus in Wuhan, China,” The Lancet (January 24, 2020), available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)301835/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)301835/fulltext).

⁷ “Sources believe coronavirus outbreak originated in Wuhan lab as part of China’s efforts to compete with US,” Fox News (Apr. 15, 2020), <https://www.foxnews.com/politics/coronavirus-wuhan-lab-china-compete-ussources>.

⁸ “Clinical features of patients infected with 2019 novel coronavirus in Wuhan, China,” The Lancet (January 24, 2020), available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)301835/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)301835/fulltext).

⁹ Id.

¹⁰ “Identification of a novel coronavirus causing severe pneumonia in human: a descriptive study,” Chinese Medical Journal (February 21, 2020), available at: https://journals.lww.com/cmj/Abstract/publishahead/Identification_of_a_novel_coronavirus_causing.99423.aspx.

¹¹ Id.

49. According to a study in the New England Journal of Medicine, “[t]he majority of the earliest cases included reported exposure to the Huanan Seafood Wholesale Market, but there was an exponential increase in the number of nonlinked cases beginning in late December.”¹² Thus, on or around late December 2019, healthcare professionals in Wuhan were reporting infections indicating human-to-human transmission.

50. According to Chinese sources cited in the National Review, on December 25, 2019, “Chinese medical staff in two hospitals in Wuhan [were] suspected of contracting viral pneumonia and [were] quarantined. This is additional strong evidence of human-to-human transmission.”¹³ This was corroborated by the Wall Street Journal.¹⁴

51. According to the South China Morning Press, “On December 27, Zhang Jixian, a doctor from Hubei Provincial Hospital of Integrated Chinese and Western Medicine, told China’s health authorities that the disease was caused by a new coronavirus. By that date, more than 180 people had been infected, though doctors might not have been aware of all of them at the time.”¹⁵

¹² “Early Transmission Dynamics in Wuhan, China, of Novel Coronavirus– Infected Pneumonia,” New England Journal of Medicine (Jan. 29, 2020), available at: <https://www.nejm.org/doi/10.1056/NEJMoa2001316>.

¹³ “Devastating Lies,” National Review (March 23, 2020), available at: <https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/>.

¹⁴ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

¹⁵ “Coronavirus: China’s first confirmed Covid-19 case traced back to November

¹⁶ ,” South China Morning Press (March 13, 2020), available at: <https://www.scmp.com/news/china/society/article/3074991/coronaviruschinas-first-confirmed-covid-19-case-traced-back>.

¹⁷ “This Chinese doctor tried to save lives, but was silenced. Now he has coronavirus,” CNN (Feb. 4, 2020), available at: <https://www.cnn.com/2020/02/03/asia/coronavirus-doctor-whistle-blower-intlhnk/index.html>.

¹⁸ Id.

52. According to CNN, on December 30, 2019, Dr. Li Wenliang, using the popular chat application WeChat, told his medical school alumni group about patients at his hospital suffering from a SARS-like illness that may have originated from a coronavirus.¹⁶

53. In his messages, Dr. Li Wenliang shared details of what would be named COVID-19, urging them to take precautions against the risk of human-to-human transmission.¹⁷

54. A study of patients admitted through January 2 found that only 27 of 41 patients had a link to the Wuhan Seafood Market, indicating human-to-human transmission in December.¹⁸

55. Despite the previously-mentioned evidence to the contrary, on December 31, 2020, the Wuhan Municipal Health Commission declared, “[t]he investigation so far has not found any obvious human-to-human transmission and no medical staff infection.”¹⁹

56. The World Health Organization (“WHO”) was finally informed of these events on December 31, with the organization saying that “the WHO China Country Office was informed of cases of pneumonia unknown etiology (unknown cause) detected in Wuhan City, Hubei Province of China.”²⁰

57. On information and belief, part of the Defendants’ coverup involved misleading the WHO, an international organization under the United Nations whose objective is “the attainment by all peoples of the highest possible level of health,” according to its Constitution.²¹

¹⁹ “Devastating Lies,” National Review (March 23, 2020), available at: <https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/>. ²¹ “Novel Coronavirus (2019-nCoV) SITUATION REPORT – 1,” World Health Organization (January 21, 2020), available at: <https://www.who.int/docs/default-source/coronaviruse/situationreports/20200121-sitrep-1-2019-ncov.pdf>.

²⁰ World Health Organization Constitution, Article I, available at: <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf?ua=1>.

²¹ “Clinical features of patients infected with 2019 novel coronavirus in Wuhan, China,” The Lancet (January 24, 2020), available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)301835/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)301835/fulltext).

58. On information and belief, the Chinese Government Defendants delayed reporting COVID-19 to the WHO for weeks after the outbreak was identified in the Chinese medical community.

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

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

DEFENDANTS ALLOW THE VIRUS TO SPREAD

61. According to data gather by the New York Times, approximately 175,000 individuals left Wuhan on January 1, 2020, alone to travel for the Lunar New Year.²²

62. As stated by the New York Times, because of the Lunar New Year travel, “[t]he timing of the outbreak could not have been worse.”²³

63. According to the Wall Street Journal, China “went ahead with New Year celebrations despite the risk of wider infections” and let “some five million people leave Wuhan without screening.”²⁴

²² “How the Virus Got Out,” The New York Times (Mar. 22, 2020), available at: <https://www.nytimes.com/interactive/2020/03/22/world/coronavirusspread.html?action=click&module=Spotlight&pgtype=Homepage>.

²³ Id.

²⁴ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

64. These travelers went not only to other parts of China, but spread out across the globe.

65. On or around January 16, 2020, despite knowing the risks of doing so, Wuhan leaders hosted a potluck dinner for 40,000 residents, increasing the potential spread of the virus.²⁵

66. Defendants allowed these massive public gatherings and massive exodus from Wuhan despite knowing the risks of COVID-19, including the risk of human-to-human transmission.

THE COVERUP BY DEFENDANTS

67. On December 30, 2019, Wuhan Municipal Health Commission notified medical institutions that patients visiting Wuhan Seafood Market contracted a pneumonia-like illness.²⁶

68. The notice warned medical professionals, “Any organizations or individuals are not allowed to release treatment information to the public without authorization.”²⁷

69. Within hours of sending his warning to colleagues via WeChat on December 30, 2019, screenshots of Dr. Li Wenliang’s message had been shared widely on social media, but government censors then took action to stop the circulation.²⁸

70. On or about December 31, 2019, researchers at the University of Toronto began to notice censoring of key words about the virus on Chinese social media platforms.²⁹

²⁵ “Is Wuhan’s mayor being set up to be the fall guy for the virus outbreak?”, CNN (Jan. 29, 2020), available at https://www.cnn.com/asia/live-news/coronavirus-outbreak-01-29-20-intl-hnk/h_6d8cf9d5c0b2cf01447dd24325ed6dd3news/coronavirus-outbreak-01-29-20-intl-hnk/h_6d8cf9d5c0b2cf01447dd24325ed6dd3

²⁶ “This Chinese doctor tried to save lives, but was silenced. Now he has coronavirus,” CNN (Feb. 4, 2020), available at: <https://www.cnn.com/2020/02/03/asia/coronavirus-doctor-whistle-blower-intlhnk/index.html>.

²⁷ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

²⁸ “How Information on the Coronavirus is Managed on Chinese Social Media,” Censored Contagion: How Information on the Coronavirus is Managed on Chinese Social Media, (Mar. 3, 2020), available at <https://citizenlab.ca/2020/03/censored-contagion-how-information-on-the-coronavirus-is-managed-on-chinese-social-media/>.

²⁹ Id.

71. One of the censored platforms was WeChat, and as explained by the researchers, WeChat “has become increasingly popular among [Chinese] doctors who use it to obtain professional knowledge from peers. Because of social media’s integral role in Chinese society and its uptake by the Chinese medical community, systematic blocking of general communication on social media related to disease information and prevention risks substantially harming the ability of the public to share information that may be essential to their health and safety.”³⁰

72. On January 1 or 2, 2020, the Wuhan police stated that they had “taken legal measures” against eight people who “published and shared rumors online,” and one of them is believed to be Dr. Wenliang.³¹

73. According to CNN, “The police announcement [against the eight people] was broadcast across the country on CCTV, China’s state broadcaster, making it clear how the Chinese government would treat such ‘rumormongers.’”³²

74. The message reportedly said, “The internet is not a land beyond the law ... Any unlawful acts of fabricating, spreading rumors and disturbing the social order will be punished by police according to the law, with zero tolerance.”³³

³⁰ “This Chinese doctor tried to save lives, but was silenced. Now he has coronavirus,” CNN (Feb. 4, 2020), available at:

<https://www.cnn.com/2020/02/03/asia/coronavirus-doctor-whistle-blower-intlhnk/index.html>.

³¹ Id.

³² Id.

³³ “Six days of silence when China didn’t warn public of likely pandemic,” The St. Louis Post Dispatch, (Apr. 16, 2020), available at: https://www.stltoday.com/news/national/your-daily-6-nurses-suspended-over-masks-cheaper-iphone-and-how-six-days-of-silence/collection_a2b87190-132f5438-a36d-1c48c64be013.html#1.

75. As described by the St. Louis Post-Dispatch, “The punishment of eight doctors for ‘rumor-mongering,’ broadcast on national television on Jan. 2, 2020, sent a chill through the city’s hospitals,” and suppressed information from reaching the rest of the world.³⁴

76. On January 1, 2020, “after several batches of genome sequence results had been returned to hospitals and submitted to health authorities, an employee of one genomics company received a phone call from an official at the Hubei Provincial Health Commission, ordering the company to stop testing samples from Wuhan related to the new disease and destroy all existing samples.”³⁵

77. Also on January 1, 2020, Dr. Ai Fen, who ran an emergency department at a Wuhan hospital, ordered her staff to put on masks, suspecting human-to-human transmission.³⁶

78. But that night, “the hospital’s discipline department summoned her for a chat the next day. She was criticized for ‘spreading rumors,’ according to Dr. Ai. She tried to argue that the disease could be contagious. They said her action caused panic and ‘damaged the stability’ of Wuhan. The hospital’s leadership also banned staff from discussing the disease in public or via texts or images.”³⁷

³⁴—“How early signs of the coronavirus were spotted, spread and throttled in China,” The Strait Times (Feb. 28, 2020), available at: <https://www.straitstimes.com/asia/east-asia/how-early-signs-of-the-coronavirus-were-spotted-spread-and-throttled-in-china>.

³⁵“How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

³⁶ Id.

³⁷ Id.

79. On January 2, 2020, the Wuhan Institute completed its genome sequencing of the virus.³⁸ Discovery of the genome sequence was not announced at the time.³⁹

80. On January 3, 2020, Dr. Wenliang was forced to confess to a misdemeanor, prepare a self-criticism, and agree not to commit any additional “unlawful acts.”⁴⁰

81. On January 3, 2020, “China’s National Health Commission (NHC), the nation’s top health authority, ordered institutions not to publish any information related to the unknown disease, and ordered labs to transfer any samples they had to designated testing institutions, or to destroy them.”⁴¹

82. The National Review, quoting Chinese sources, stated that on January 3, the “Wuhan Municipal Health Commission released another statement, repeating, ‘As of now, preliminary investigations have shown no clear evidence of human-to-human transmission and no medical staff infections.’⁴²

³⁸ Id.

³⁹ “This Chinese doctor tried to save lives, but was silenced. Now he has coronavirus,” CNN (Feb. 4, 2020), available at:

<https://www.cnn.com/2020/02/03/asia/coronavirus-doctor-whistle-blower-intlhnk/index.html>.

⁴⁰ “How early signs of the coronavirus were spotted, spread and throttled in

China,” The Strait Times (Feb. 28, 2020), available at:

<https://www.straitstimes.com/asia/east-asia/how-early-signs-of-the-coronavirus-were-spotted-spread-and-throttled-in-china>.

⁴¹ “Devastating Lies,” National Review (March 23, 2020), available at:

<https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/>.⁴⁴ “How It All Started:

China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at:

<https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

⁴² Id.

83. According to the Wall Street Journal, on January 5, “a medical research center in Shanghai notified the National Health Commission that one of its professors had also identified a SARS-like coronavirus and mapped the entire genome using a sample from Wuhan.”⁴³

84. Like the genome discovery by the Wuhan Institute on January 2, 2020, the January 5 2020 genome mapping was not made public for several days.⁴⁴

85. On January 5, 2020, relying on information from Chinese officials, WHO released a statement saying, “Based on the preliminary information from the Chinese investigation team, no evidence of significant human-to-human transmission and no health care worker infections have been reported.”⁴⁵

86. On January 6, 2020, the United States Centers for Disease Control offered to send a research team to assist Defendants, but Defendants did not extend permission to enter the country.⁴⁶

87. On January 8, 2020, WHO, relying on information from Chinese officials, said, “WHO does not recommend any specific measures for travelers.

⁴³ “Pneumonia of unknown cause – China,” WHO Disease Outbreak News (Jan. 5, 2020), available at: <https://www.who.int/csr/don/05-january-2020pneumonia-of-unkown-cause-china/en/>.

⁴⁴ “Exclusive: U.S. axed CDC expert job in China months before virus outbreak,” Reuters (Mar. 22, 2020), available at: <https://www.reuters.com/article/us-health-coronavirus-china-cdcexclusiv/exclusive-u-s-axed-cdc-expert-job-in-china-months-before-virusoutbreak-idUSKBN21910S>.

⁴⁵ “WHO Statement regarding cluster of pneumonia cases in Wuhan, China,” WHO (Jan. 9, 2020), available at: <https://www.who.int/china/news/detail/0901-2020-who-statement-regarding-cluster-of-pneumonia-cases-in-wuhanchina>.

⁴⁶ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

88. WHO advises against the application of any travel or trade restrictions on China based on the information currently available.”⁴⁷

89. Chinese authorities, including Defendants, did not publicly confirm the outbreak as originating from a novel coronavirus until January 9, 2020, despite having a mapping of its genome and other details showing that it was a new virus.⁴⁸

90. On January 10, 2020, the New York Times attributed to the Wuhan City Health Commission a statement that “[t]here is no evidence that the virus can be spread between humans.”⁴⁹

91. According to the National Review, citing Chinese sources, on January 11, 2020, the Wuhan City Health Commission issued a statement saying, “All 739 close contacts, including 419 medical staff, have undergone medical observation and no related cases have been found . . . No new cases have been detected since January 3, 2020. At present, no medical staff infections have been found, and no clear evidence of human-to-human transmission has been found.”⁵⁰ This statement directly contradicted then-existing evidence.

⁴⁷ “China Reports First Death From New Virus,” The New York Times (Jan. 10, 2020), available at: <https://www.nytimes.com/2020/01/10/world/asia/chinavirus-wuhan-death.html?searchResultPosition=9>.

⁴⁸ “Devastating Lies,” National Review (March 23, 2020), available at: <https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/>. ⁵¹ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

⁴⁹ Id.

⁵⁰ “Six days of silence when China didn’t warn public of likely pandemic,” The St. Louis Post Dispatch, (Apr. 16, 2020), available at: https://www.stltoday.com/news/national/your-daily-6-nurses-suspended-overmasks-cheaper-iphone-and-how-six-days-of-silence/collection_a2b87190-132f5438-a36d-1c48c64be013.html#1.

92. Chinese authorities, including Defendants, did not share the genome sequence, which the Wall Street Journal described as a “critical step toward containing the epidemic and designing a vaccine” with the international community until January 12, 2020.⁵¹

93. The first case outside of China was reported in Thailand on January 13, 2020.⁵²

94. Following the Thai case, Defendants did not tell the public about the new evidence directly confirming human-to-human transmission.⁵³

95. For instance, PRC and CPC officials continued denying human-to-human transmission and failed to inform the public, despite overwhelming evidence of the virus’s contagiousness.⁵⁴

96. According to the National Review, citing Chinese sources, on January 14, 2020, the Wuhan City Health Commission issued another statement saying, “Among the close contacts, no related cases were found.”⁵⁵

97. According to the Wall Street Journal, when President and General Secretary Xi Jinping, leader of the PRC and CPC, made “his first public statement on the crisis on January 20, 2020, he made no explicit mention of human-to-human transmission.”⁵⁶

⁵¹ Id.

⁵² Id.

⁵³ “Devastating Lies,” National Review (March 23, 2020), available at: <https://www.nationalreview.com/the-morning-jolt/chinas-devastating-lies/>.⁵⁷ “How It All Started: China’s Early Coronavirus Missteps,” The Wall Street Journal (Mar. 6, 2020), available at: <https://www.wsj.com/articles/how-it-allstarted-chinas-early-coronavirus-missteps-11583508932>.

⁵⁴ “Six days of silence when China didn’t warn public of likely pandemic,” The St. Louis Post Dispatch, (Apr. 16, 2020), available at: https://www.stltoday.com/news/national/your-daily-6-nurses-suspended-overmasks-cheaper-iphone-and-how-six-days-of-silence/collection_a2b87190-132f5438-a36d-1c48c64be013.html#1.

⁵⁵ Id.

⁵⁶ “China confirms human-to-human transmission of coronavirus,” The Guardian (January 20, 2020), available at: <https://www.theguardian.com/world/2020/jan/20/coronavirus-spreads-to-beijing-as-china-confirms-new-cases>.

98. By the time President Xi made his statement, millions of travelers passed through Wuhan, and “more than 3,000 people had been infected during almost a week of public silence, according to internal documents obtained by The Associated Press and expert estimates based on retrospective infection data.”⁵⁷

99. The Wuhan City Health Commission continued publicly to deny human-to-human transmission until January 20, 2020,⁵⁸ at which point Chinese authorities finally confirmed for the first time that human-to-human transmission was occurring.⁵⁹

100. On January 20 and 21, 2020, the WHO was able to conduct a mission on the ground in China and said afterward, “Data collected through detailed epidemiological investigation and through the deployment of the new test kit nationally suggests that human-to-human transmission is taking place in Wuhan. More analysis of the epidemiological data is needed to understand the full extent of human-to-human transmission.”⁶⁰

⁵⁷ “Mission summary: WHO Field Visit to Wuhan, China 20-21 January 2020,” WHO (Jan. 22, 2020), available at: <https://www.who.int/china/news/detail/2201-2020-field-visit-wuhan-china-jan-2020>.

⁵⁸ “China Raises Wuhan Death Stats By Half To Account For Reporting Delays And Omissions,” National Public Radio (Apr. 17, 2020), available at: <https://www.npr.org/sections/coronavirus-liveupdates/2020/04/17/836700806/china-raises-wuhan-death-stats-by-half-toaccount-for-reporting-delays-and-omiss>.

⁵⁹ “2 Wuhan whistleblowers missing months after helping expose coronavirus outbreak, activists say,” Fox News (Apr. 15, 2020), available at: <https://www.foxnews.com/world/wuhan-whistleblowers-missing-exposingcoronavirus>.

⁶⁰ “Guest on Chinese-produced Arabic-language program claimed US may be to blame for coronavirus pandemic,” Fox News (Apr. 19, 2020), available at: <https://www.foxnews.com/world/chinese-arabic-language-program-uscoronavirus-pandemic>.

101. On January 23, 2020, China began its first steps towards quarantining Wuhan residents.

102. Weeks after the lockdown slowed cases in Wuhan, China continued to mislead the world about its knowledge of the nature of the virus, and on April 17, 2020, it upwardly revised the death toll in Wuhan by more than a thousand cases, attributing the error to “incorrect reporting, delays and omissions.”⁶¹

103. Chinese citizen journalists, who posted videos from Wuhan of overcrowded hospitals and other scenes from the COVID-19 pandemic, have gone missing in recent weeks.⁶²

104. On information and belief, China continues to mislead the world about the infection rate, fatality rate, and other key statistics of COVID-19.

105. China has launched a “massive public relations campaign to avoid blame for the COVID-19 pandemic” and has spread conspiracy theories that the U.S. military had spread the virus.⁶³

⁶¹ “Coronavirus in the U.S.: Latest Map and Case Count,” The New York Times (Apr. 20, 2020), available at: <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

⁶² COVID-19 Outbreak, Missouri Department of Health and Senior Services (Apr. 20, 2020), available at: <https://health.mo.gov/living/healthcondiseases/communicable/novelcoronavirus/>.

⁶³ “The Impact of COVID-19 on Labor Markets across the U.S.,” The Federal Reserve Bank of St. Louis (Apr. 13, 2020), available at: <https://www.stlouisfed.org/on-the-economy/2020/april/impact-covid-19-labormarkets-us>.

THE EFFECTS OF DEFENDANTS' ACTIONS

107. Due to Defendants' malfeasance, COVID-19 spread rapidly across the world, and by April 20, 2020, the New York Times reports 770,138 confirmed cases in the United States and 37,186 deaths.⁶⁴

108. As of November 2, 2020, Kentucky had more than 92,000 confirmed infections from COVID-19, and at least 1,470 Kentuckians had died, including Janice Mary Kelly.⁶⁵

DEFENDANTS' ACTIONS AS TO PPE

109. On March 13, 2020, the New York Times ran a story documenting China's hoarding of PPE, saying China has "claimed mask factory output for itself."⁶⁶

110. According to the New York Times report, "Peter Navarro, an adviser to President Trump on manufacturing and trade, contended on Fox Business last month that China had essentially taken over factories that make masks on behalf of American companies. Beijing, he said, had opted to 'nationalize effectively 3M, our company.'"⁶⁷

111. According to the New York Times, "China did not just stop selling masks—it also bought up much of the rest of the world's supply."⁶⁸

⁶⁴ "Governor Parson Announces Expenditure Restrictions to Ensure Balanced Budget, Funds to Combat COVID-19," Office of the Missouri Governor (Apr. 1, 2020), available at: <https://governor.mo.gov/press-releases/archive/governorparson-announces-expenditure-restrictions-ensure-balanced-budget>.

⁶⁵ "'No dignity': Forced apart by coronavirus, families of nursing home dead left in the dark," The St. Louis Post Dispatch (Apr. 19, 2020), available at: https://www.stltoday.com/news/local/metro/no-dignity-forced-apart-by-coronavirus-families-of-nursing-home-dead-left-in-the-dark/article_b66439b53167-56b0-bfc7-4ab0bf08e96b.html#tracking-source=home-top-story.

⁶⁶ "Doctor on front line of St. Louis' fight against coronavirus: 'Don't waste all the effort and pain,'" The St. Louis Post Dispatch (Apr. 17, 2020), available at: https://www.stltoday.com/lifestyles/health-med-fit/coronavirus/doctor-onfront-line-of-st-louis-fight-against-coronavirus-don-t-waste-allthe/article_bffd3a8b-f91b-50f5-8353-925876451e98.html.

⁶⁷ "The World Needs Masks. China Makes Them, but Has Been Hoarding Them," The New York Times (Mar. 13, 2020), available at: <https://www.nytimes.com/2020/03/13/business/masks-china-coronavirus.html>.

112. Defendants' hoarding efforts resulted in it going "from being a net exporter of personal protective equipment, as it is the largest producer in the world, to a net importer."⁶⁹

113. According to a recent piece in the Washington Post, White House officials believe China's actions of hoarding and importing PPE were a "deliberate attempt by China to corner the market as it concealed and downplayed the danger posed by the outbreak."⁷⁰

114. Early in the pandemic, China disallowed U.S. companies from bringing PPE or coronavirus test kits back to the United States, citing quality concerns.⁷¹

115. The little PPE that China had released had drawn complaints from governments and hospitals across the world for being faulty, raising the prospect that it was keeping quality materials for itself while shipping defective equipment elsewhere.⁷²

⁶⁸ Id.

⁶⁹ Id.

⁷⁰ "Navarro: China Went from a Net Exporter of PPE to a Large Net Importer," Fox News (Apr. 19, 2020), available at: <https://www.breitbart.com/clips/2020/04/19/navarro-china-went-from-a-netexporter-of-ppe-to-a-large-net-importer/>.

⁷¹ "U.S. sent millions of face masks to China early this year, ignoring pandemic warning signs," The Washington Post (Apr. 18, 2020), available at: https://www.washingtonpost.com/health/us-sent-millions-of-face-masks-tochina-early-this-year-ignoring-pandemic-warning-signs/2020/04/18/aaccf54a7ff5-11ea-8013-1b6da0e4a2b7_story.html.

⁷² "China's Export Restrictions Strand Medical Goods U.S. Needs to Fight Coronavirus, State Department Says," The Wall Street Journal (Apr. 16, 2020), available at: https://www.wsj.com/articles/chinas-export-restrictions-strandmedical-goods-u-s-needs-to-fight-coronavirus-state-department-says11587031203?mod=hp_lead_pos2.

116. On information and belief, the Defendants' hoarding of PPE has been motivated, at least in part, by the desire to profit from increased worldwide demand of PPE during the viral outbreak, including in Kentucky.

117. On information and belief, Defendants' hoarding of PPE adversely impaired the ability of health care providers throughout the world, including in the United States and in Kentucky, from safely and effectively treating patients with the virus.

THE ORIGINS OF COVID-19

Investigation by the United States Government

118. On August 2021, the House Foreign Affairs Committee Report Minority Staff of the United States Congress, after a lengthy and thorough investigation into the origins of COVID-19, issued its report: "THE ORIGINS OF COVID-19: An Investigation of the Wuhan Institute of Virology." The Report found that "*the preponderance of evidence suggests SARS-Co-V-2 [referring to COVID-19] was accidentally released from a Wuhan Institute of Virology laboratory sometime prior to September 12, 2019. The virus, or the viral sequence that was genetically manipulated, was likely collected in a cave in Yunnan province, PRC, between 2012 and 2015. Researchers at the WIV, officials with in the CCP, and potentially American citizens directly engaged in efforts to obfuscate information related to the origins of the virus and to suppress public debate of a possible lab leak.*"

COUNT I: PUBLIC NUISANCE

(Against All Defendants)

119. Plaintiff repeats, restates, and incorporates by reference all allegations in Paragraphs 1 to 118.

120. Under Kentucky law, a defendant is liable for the tort of public nuisance when its conduct unreasonably interferes with a right common of the general public, such as interference with the public health and public safety.

121. Each Defendant owed a duty to the public, including Kentucky's residents, not to offend, interfere with, or damage the common rights of Kentuckians, including Janice Mary Kelly, through fraudulent, reckless, and negligent actions and omissions.

122. Defendants, in violation of the International Health Regulations, and in violation of the common good and Kentuckians' life and health, failed to quarantine its population against a virus known to be exceptionally dangerous.

123. Defendants, in violation of the common good and Kentuckians' lives and health, took steps, including (but not limited to) censoring media, ceasing and censoring research, destroying scientific materials, making false and/or misleading statements to the international community, hoarding PPE for gain, and punishing medical professionals, that impeded the ability of the medical community and others to stop the spread of COVID-19 and its consequences.

124. The repeated unlawful and unreasonable acts and omissions of the Defendants, including their commercial activities, as alleged herein, have been injurious to—and have significantly interfered with—the lives, health, and safety of substantial numbers of Kentucky residents, specifically, the death of Janice Mary Kelly.

125. As a proximate result of Defendants' conduct, Janice Mary Kelly lost her life to the COVID-19 virus.

126. The conduct of the Defendants was knowing, willful, and in reckless disregard of the rights of the Commonwealth of Kentucky and its residents, including Janice Mary Kelly. Defendants demonstrated a complete indifference to or conscious disregard for the safety of the public and their conduct was unreasonable and was reckless in light of the known risks to them of COVID-19.

127. Defendants have engaged in a continuing course of conduct. Defendants' unreasonable bad acts—as well as the resulting harm to the health, well-being, safety, comfort, economic interests, and rights of Kentucky and its residents, including Janice Mary Kelly.

COUNT II: ABNORMALLY DANGEROUS ACTIVITIES

(Against All Defendants)

128. Plaintiff repeats, restates, and incorporates by reference all allegations in Paragraphs 1 to 127.

129. Kentucky recognizes strict liability for abnormally dangerous activities. The Restatement (Second) of Torts § 519, provides: “(1) One who carries on an abnormally dangerous activity is subject to liability for harm to the person, land or chattels of another resulting from the activity, although he has exercised the utmost care to prevent the harm. (2) This strict liability is limited to the kind of harm, the possibility of which makes the activity abnormally dangerous.” See *Juett v. Calhoun*, [405 S.W.2d 946](#) (Ky. 1966) (applying strict liability for blasting damage).

130. “In determining whether an activity is abnormally dangerous, the following factors are to be considered: (a) existence of a high degree of risk of some harm to the person, land or chattels of others; (b) likelihood that the harm that results from it will be great; (c) inability to eliminate the risk by the exercise of reasonable care; (d) extent to which the activity is not a matter of common usage; (e) inappropriateness of the activity to the place where it is carried on; and (f) extent to which its value to the community is outweighed by its dangerous attributes.” Restatement (Second) of Torts § 520.

131. On information and belief, the Chinese Government Defendants, the Communist Party, and the Laboratory Defendants engaged in commercial and other research on coronaviruses through the Wuhan Institute.

132. On information and belief, one likely source for the origin of the virus is through release from the Wuhan Institute, a laboratory with known safety concerns.

133. Research on contagious viruses is an unusual activity with a high risk of harm, and the harm that can result from that research is great, with an inability to eliminate the risk of harm.

134. On information and belief, the type of research carried on at the Wuhan Institute was inappropriate to the place where the research was conducted, especially in light of known safety concerns at the lab.

135. On information and belief, the community value of the activity at the Wuhan Institute was low, but the activity was nonetheless dangerous.

136. On information and belief, Defendants have engaged in a coverup about the origins of the virus, including its release from the Wuhan Institute.

137. Defendants, in violation of the common good and Kentuckians' lives and health, took steps, including (but not limited to) censoring media, ceasing and censoring research, destroying scientific materials, making false and misleading statements to the international community, hoarding PPE, and punishing medical professionals, that impeded the ability of the medical community and others to stop the spread of COVID-19 and its consequences.

138. The repeated abnormally dangerous activities of the Defendants, as alleged herein, have been injurious to—and have significantly interfered with—the lives, health, and safety of substantial numbers of Kentucky residents, including the death of Janice Mary Kelly.

139. As a proximate result of Defendants' conduct, Janice Mary Kelly lost her life to the COVID-19 virus.

140. The conduct of the Defendants was knowing, willful, and in reckless disregard of the rights of Kentucky and its residents, including Janice Mary Kelly. Defendants demonstrated a complete indifference to or conscious disregard for the safety of the public and their conduct was unreasonable and was reckless in light of the known risks to them of COVID-19.

141. Defendants have engaged in a continuing course of conduct. Defendants' abnormally dangerous activities—as well as the resulting harm to the health, well-being, safety, comfort, economic interests, and rights of Kentucky and its residents, including Janice Mary Kelly.

COUNT III: BREACH OF DUTY & NEGLIGENCE:
ALLOWING TRANSMISSION OF COVID-19
(Against All Defendants)

142. Plaintiff repeats, restates, and incorporates by reference all allegations in Paragraphs 1 to 141.

143. Under Kentucky law, “in the law of negligence generally, legal duty in respect to action or nonaction generally in man's relation to other persons...is proportioned to the magnitude of peril to be reasonably apprehended from an act or an omission. *Mann v. Kentucky & I. T. R. Co.*, 290 S.W.2d 820 (Ky. 1955).

144. Defendants had a duty to persons in the United States, including Janice Mary Kelly, to not act negligently in their handling of the COVID-19 outbreak, such that COVID-19 did not spread as it did.

145. The Chinese Government Defendants had a duty to report “all events which may constitute a public health emergency of international concern within its territory” within 24 hours under Article 6.1 of the International Health Regulations, yet it failed to do so.

146. In violation of their duties to the world, Defendants engaged in a coverup and misleading public relations campaign, censoring scientists, ordering the destruction and suppression of valuable research, and refusing cooperation with the global community, all in violation of international health standards.

147. Defendants breached their duty to Plaintiff, by, and 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;

(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 the international community 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.

148. The aforesaid careless, negligent, grossly negligent, wanton and dangerous conduct and reckless disregard for the lives and safety of others (constituting malice) of the Defendants were a substantial factor in causing the death of Janice Mary Kelly, and all of the resultant damages previously mentioned herein, in an amount which exceeds the jurisdictional minimum of this Court and the threshold requirements of [KRS 304](#), Subtitle 39.

149. The conduct of the Defendants was knowing, willful, and in reckless disregard of the rights of Kentucky and its residents, including Janice Mary Kelly. Defendants demonstrated a complete indifference to or conscious disregard for the safety of the public and their conduct was unreasonable and was reckless in light of the known risks to them of COVID-19.

COUNT IV: PUNITIVE DAMAGES

(Against All Defendants)

150. Plaintiff repeats, restates, and incorporates by reference all allegations in Paragraphs 1 to 149.

151. The Defendants, by their acts and omissions as set forth above, acted toward the late Janice Mary Kelly with oppression, fraud, malice, gross negligence and/or reckless disregard for the lives and safety of others to a degree sufficient to warrant the imposition of punitive damages to deter such further conduct on behalf of Defendants or similarly situated parties, in an amount which exceeds the jurisdictional minimum of this Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court enter judgment in favor of Plaintiff, and enter an order jointly and severally against each and every Defendant that:

- (a) Awards Plaintiff all restitution authorized by law;
- (b) Awards Plaintiff all civil penalties authorized by law;
- (c) Awards Plaintiff all actual damages authorized by law;
- (d) Awards Plaintiff all direct and consequential damages authorized by law;
- (e) Awards Plaintiff punitive damages against Defendants;
- (f) Awards Plaintiff all reasonable costs and attorney fees attributable to the

prosecution of this civil action authorized by law;

- (g) Awards Plaintiff all pre-judgment and post-judgment interest authorized by law;
- (h) Awards Plaintiff any and all other relief to which she is legally entitled, and such further relief as the Court deems just and appropriate; and
- (i) Trial by Jury.

Respectfully Submitted:

s/Jason Todd Hardin

Jason Todd Hardin

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Fax: (502) 219-3323

Email: hardinlaw@twc.com

Counsel for Plaintiff

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Estate of Janice Mary Kelly

(b) County of Residence of First Listed Plaintiff Jefferson
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jason Todd Hardin, Hardin Law PLLC,
PO Box 9537, Louisville, KY 40209 / 502-445-2673

DEFENDANTS

The People's Republic of China; et al.

County of Residence of First Listed Defendant N/A
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input checked="" type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 28 U.S.C. Sections 1603 and 1605
 Brief description of cause:
 Wrongful death action arising from actions and inactions of foreign state, China, and related foreign entities.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ Excess of \$75,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE 07/28/2022 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____