

WHO Wins Dismissal of Lawsuit in New York Over Pandemic Response

By Jonathan Stempel

April 06, 2021

NEW YORK (Reuters) - A U.S. judge has dismissed a lawsuit by residents of a suburban New York City county who accused the World Health Organization of gross negligence in responding to the coronavirus pandemic.

U.S. District Judge Cathy Seibel on Monday said the WHO was immune under its own 1948 constitution and the International Organization Immunities Act from the proposed class-action lawsuit by the seven Westchester County plaintiffs.

The plaintiffs, including a New Rochelle doctor and six Mount Vernon residents who contracted COVID-19, sought damages for Westchester adults over the WHO's alleged downplaying of the coronavirus early in the outbreak, and failure to quickly declare a pandemic and coordinate a global response.

But the judge said the WHO's pandemic response involved policy judgments within its discretion, and rejected arguments that its alleged negligence voided its immunity.

Seibel said the complaint "makes only the general and vague assertion that the WHO negligently failed to provide effective leadership and implementation of its core global functions under (International Health Regulations)."

The plaintiffs also argued the pandemic "likely could have been prevented" had the WHO not been "complicit in the spread and normalization" of Chinese government "propaganda" after early COVID-19 cases were found in the Chinese city of Wuhan.

Lawyers for the plaintiffs did not immediately respond to requests for comment. The WHO's lawyers did not immediately respond to similar requests. China was not a defendant. Seibel is based in White Plains, the Westchester county seat.

Westchester, whose population is about 968,000, became an early U.S. hot spot after a lawyer who attended a New Rochelle synagogue was diagnosed with COVID-19 on March 2, 2020, nine days before the WHO declared a global pandemic.

The county has had more than 121,500 COVID-19 cases and 2,200 deaths. There have been more than 30 million cases and 550,000 deaths in the United States, and more than 131 million cases and 2.8 million deaths worldwide.

The case is *Kling et al v World Health Organization*, U.S. District Court, Southern District of New York, No. 20-03124.

Reuters Health Information © 2021