

# The Case That Could Save the U.S. Economy

*Mireskandari v. Mayne, et al., 9th Circuit  
Nos. 16-55547, 17-55540*

LOS ANGELES, CA, UNITED STATES, May 11, 2020 /EINPresswire.com/ -- Due to the deadly novel coronavirus COVID-19, the United States is facing one of the worst financial crises in its history, with losses in the trillions of dollars, and the deaths of tens of thousands of innocent people. The unprecedented global pandemic threatens to trigger the worst depression in world history, and evidence indicates China is to blame both for releasing the deadly virus and for concealing crucial information about its release to the rest of the world. President Trump, Secretary of State Pompeo, senators, governors and other senior politicians have openly stated that China must be held accountable, including discussion of wiping out the debt the U.S. owes to China. There are now at least 7 class action lawsuits filed against China and Chinese entities, as well as lawsuits filed by the states of Missouri and Mississippi.

However, China has stated that it will move to dismiss any such lawsuits due to the doctrine of sovereign immunity, and many experts, law scholars and law professors think they will succeed. Sovereign immunity is a doctrine of international law, put forth in America's Foreign Sovereign Immunities Act (FSIA), that prevents lawsuits from proceeding against nations such as China. Throughout history, there have been very few cases testing the limits of sovereign immunity and those that did exist have almost all been dismissed in favor of the sovereign or foreign official.



Sean Mireskandari



Becky James

One case at the doors of the U.S. Supreme Court may provide a proper analysis of sovereign immunity as well as its related doctrine, foreign official common law immunity. The case is

Mireskandari v. Mayne, et al., and its resolution in the Supreme Court will have resounding ramifications for the lawsuits involving China because it raises the very same issues that seem likely to plague the COVID-19 litigation. A petition asking the U.S. Supreme Court to hear the Mireskandari case will be filed later this month. According to the lawyers on the case, their success can allow the U.S. and its citizens to sue China for all its damages.



Tom Mesereau

Sean Mireskandari is a U.S. citizen who studied law in the U.S. and the United Kingdom and became one of the most highly acclaimed, prominent lawyers in England. He became a target of the Daily Mail, a British tabloid, and the Solicitors Regulatory Authority (SRA), the U.K. bar, after he exposed racism and victimization by the SRA and the British police. Mireskandari sued the SRA and several U.K. individuals, alleging that the SRA sent “investigators” to the U.S. at least 20 times who committed crimes and used the Daily Mail to ruin Mireskandari’s name, but the courts threw the case out on the grounds of sovereign and common law immunity.

Mireskandari’s lawyers, Becky James and Thomas Mesereau, say they are now taking the case to the Supreme Court. According to James, the Ninth Circuit’s interpretation of sovereign and common law immunity in Mireskandari is “surprisingly overbroad” and “has sweeping ramifications for the recent China litigation. If the Ninth Circuit is correct that so-called immunity protects such egregious conduct by foreign governments and even non-governmental foreign entities and individuals, as in the Mireskandari case, then the China litigation will never get off the ground.”

Now the U.S. Supreme Court has the opportunity through the Mireskandari case to address and remedy that. “This is the right case at the right time—a tremendous opportunity,” says Mesereau. According to James, the case “will provide the opportunity for the Court to correct the misinterpretation of sovereign immunity and common law immunity and allow for lawsuits such as those against China involving COVID-19 and others where foreign governments or agents have committed crimes on U.S. soil.” The lawyers say they have heard from various organizations that want to file amicus briefs in the case because of its potential value in the litigation effort against China.

Mireskandari is the case to watch, as the country becomes more and more focused on holding China accountable. The pending class action lawsuits will take years to work its way up to the Supreme Court, but through Mireskandari, the Supreme Court will have the opportunity to shape the interpretation of sovereign and common law immunity in a matter of months. “We’re not seeking to eliminate sovereign immunity and risk reciprocal consequences to the U.S.,” says James, “but we are seeking a proper interpretation of the doctrine that protects U.S. citizens from egregious and criminal conduct, whether the perpetrator is foreign or domestic.” This unlikely case arising long before the pandemic and from the other side of the world just may open the doors for U.S. citizens to get redress from those responsible for the devastating physical and economic harms caused by the COVID-19 pandemic. If the Supreme Court agrees, the case could be an essential step in saving the U.S. economy by requiring China to pay for the untold damage that has been caused by the unleashing of the deadly coronavirus.

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