

SWISSX
SWORN TESTIMONY / AFFIDAVIT PACKAGE
OF ALKIVIADES DAVID

Prepared as a printable sworn statement with embedded exhibits

Deponent	Alkiviades David
Purpose	Sworn statement for investigative and court use
Format	Printable affidavit package with numbered paragraphs, jurat, schedule, and embedded exhibits
Date	14 April 2026

This package is arranged for printing and swearing before a commissioner for oaths, notary public, justice of the peace, or other authorised officer. The statement is followed by a formal exhibit schedule and annexures.

SWORN WITNESS STATEMENT

I, **Alkiviades David**, of Saint John's, Antigua and Barbuda, MAKE OATH AND SAY as follows:

1. I am the maker of this statement. Save where otherwise stated, the matters set out herein are within my own knowledge and are true. Where I refer to information received from others or from documents, I identify that fact and believe the same to be true.
2. I make this statement to place before investigators and any court of competent jurisdiction a concise sworn account of matters concerning parallel trust proceedings, interference with assets and shares connected to the Harmonia Trust, and related concerns involving family, intermediaries, and associated persons.
3. The communications exhibited in this package include my urgent enquiries asking whether family members or related persons were aware of parallel trust proceedings involving the Harmonia Trust, specifically the involvement of Dorsey & Whitney Trust Company LLC, through Charles Russell Speechlys, asserting control over assets and shares connected to that trust.
4. Those exhibited communications also include my reference to actions concerning 4 Wilton Place, and my requests for honesty and clarification from the persons contacted.
5. The WhatsApp messages exhibited as Exhibits A to D form part of the chronology. They record the questions I asked, the call attempts I made, and responses including words to the effect: 'I don't know. I will find out. Can't talk now,' together with messages denying awareness.
6. I exhibit those communications because they are relevant to the issue of knowledge, awareness, notice, and the existence of parallel proceedings or coordinated action affecting trust-linked assets.
7. I also exhibit a network diagram and additional screenshots supplied by me, not as judicial findings in themselves, but as contextual material identifying routes of enquiry, relationships, and patterns that I ask investigators to examine further.
8. Exhibits F, G, and H are public-report screenshots concerning the NXIVM matter and are exhibited by me as contextual reference material that I say is relevant to the wider pattern I ask authorities to investigate.
9. Exhibits I, J, K, L, M, and N are additional screenshots and article captures supplied by me for contextual and investigative reference. They are not tendered by me as conclusive proof of every proposition appearing within them, but as material showing connections, narratives, and public-facing items that I say should be examined.
10. Exhibit O is a memorandum opinion and order supplied by me, and Exhibit P is a transcript text supplied by me. I annex both as supporting context concerning parallel proceedings, public positions, and the broader factual background.
11. I respectfully request preservation of all relevant records, communications, and digital evidence; witness intake from the persons identified in the annexed materials; and such protective or investigative measures as may be appropriate concerning my children, my position, and any trust-linked assets or property affected.
12. I make this statement of my own free will and intend to swear it formally before an authorised officer.

JURAT

SWORN by the said **Alkiviades David**

at _____

in Antigua and Barbuda

this ____ day of _____ 2026

Alkiviades David

Before me:

Commissioner for Oaths / Notary Public / Justice of the Peace / Authorised Officer

SCHEDULE OF EXHIBITS

Exhibit	File	Description
A	REA 1 WHTAP.jpeg	WhatsApp screenshot with Rea Cell concerning Alexander, the UK lawsuit, and the Har
B	REA 2 whtssapp.jpeg	WhatsApp screenshot with Rea Cell showing follow-up exchanges and the response: 'I
C	Jencover(1).jpeg	WhatsApp screenshot with Jennifer Iphone concerning awareness of parallel Harmonia
D	JEN1(1).jpeg	Additional WhatsApp screenshot with Jennifer Iphone showing the same line of enquiry
E	pGCXd.jpg	Network diagram supplied by the deponent.
F	child porn nxvim.png	Public article screenshot concerning added child-exploitation and pornography charges
G	nxvim.png	United States Attorney's Office press release screenshot concerning the Keith Raniere v
H	SEX TRF.png	Public litigation article screenshot concerning affirmation of NXIVM sex-trafficking co
I	Screenshot 2026-04-13 175816.png	Diagram screenshot referencing download/CBS/platform context.
J	Screenshot 2026-04-13 173105(1).png	LimeWire and Universal Music Group licensing platform screenshot.
K	CNET BOIES(1).png	CNET screenshot referencing David Boies, Napster, and the RIAA.
L	ALLWAT FBI(3).png	Article screenshot concerning FBI Los Angeles field office ties.
M	AARON DEATH(3).png	Article screenshot concerning Aaron Carter death reporting.
N	ALPHA WIN(2).png	Article screenshot concerning Antigua PM Alfa Nero litigation outcome.
O	25-mc-98-48-memo-and-order(1).pdf	Memorandum Opinion and Order supplied by the deponent.
P	transcript-AGgatsonTV(1).txt	Transcript text supplied by the deponent.

EXHIBIT A

WhatsApp screenshot with Rea Cell concerning Alexander, the UK lawsuit, and the Harmonia Trust proceedings.

Embedded on the following page(s).

Exhibit A



EXHIBIT B

WhatsApp screenshot with Rea Cell showing follow-up exchanges and the response: 'I don't know. I will find out. Can't talk now.'

Embedded on the following page(s).

Exhibit B

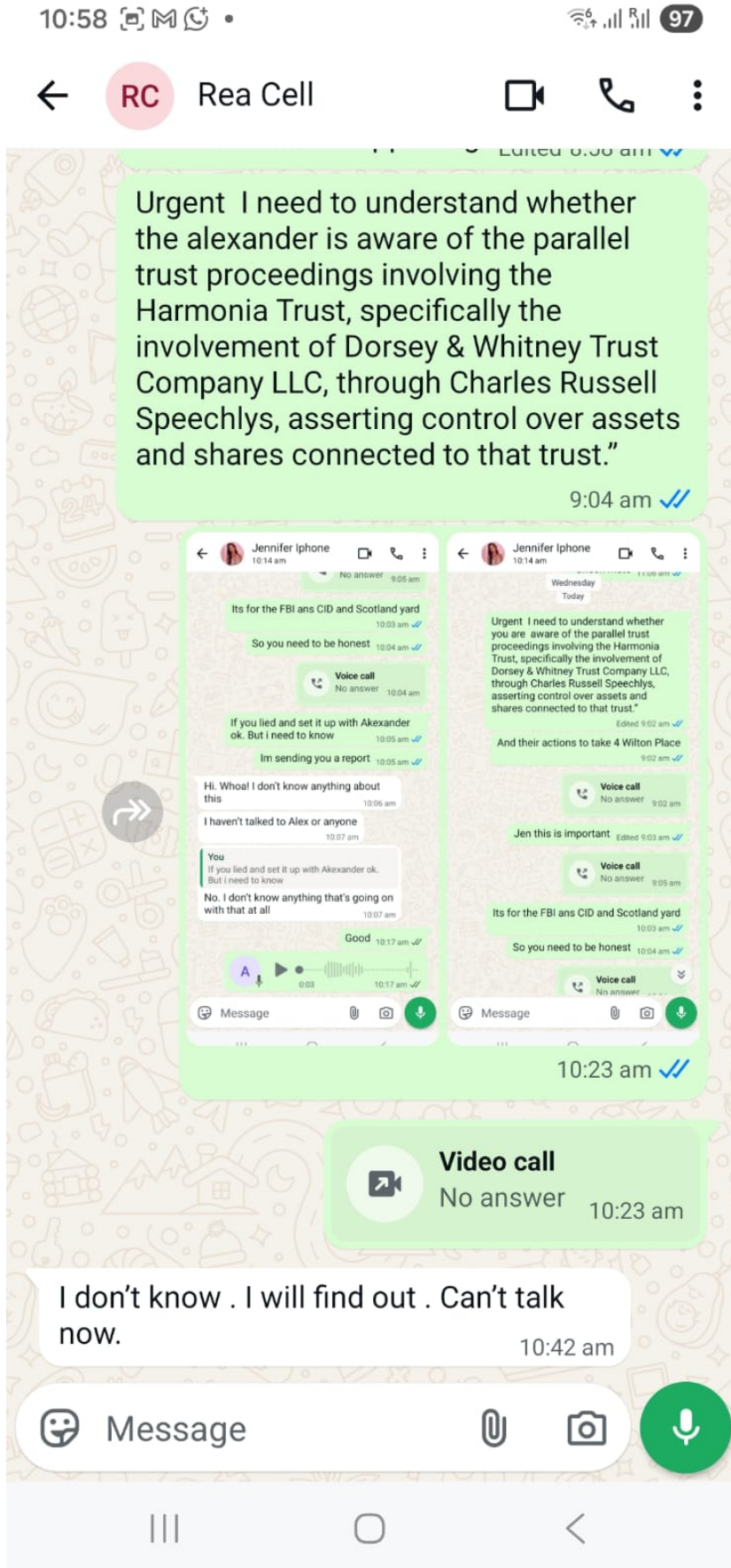


EXHIBIT C

WhatsApp screenshot with Jennifer Iphone concerning awareness of parallel Harmonia Trust proceedings and 4 Wilton Place.

Embedded on the following page(s).

Exhibit C

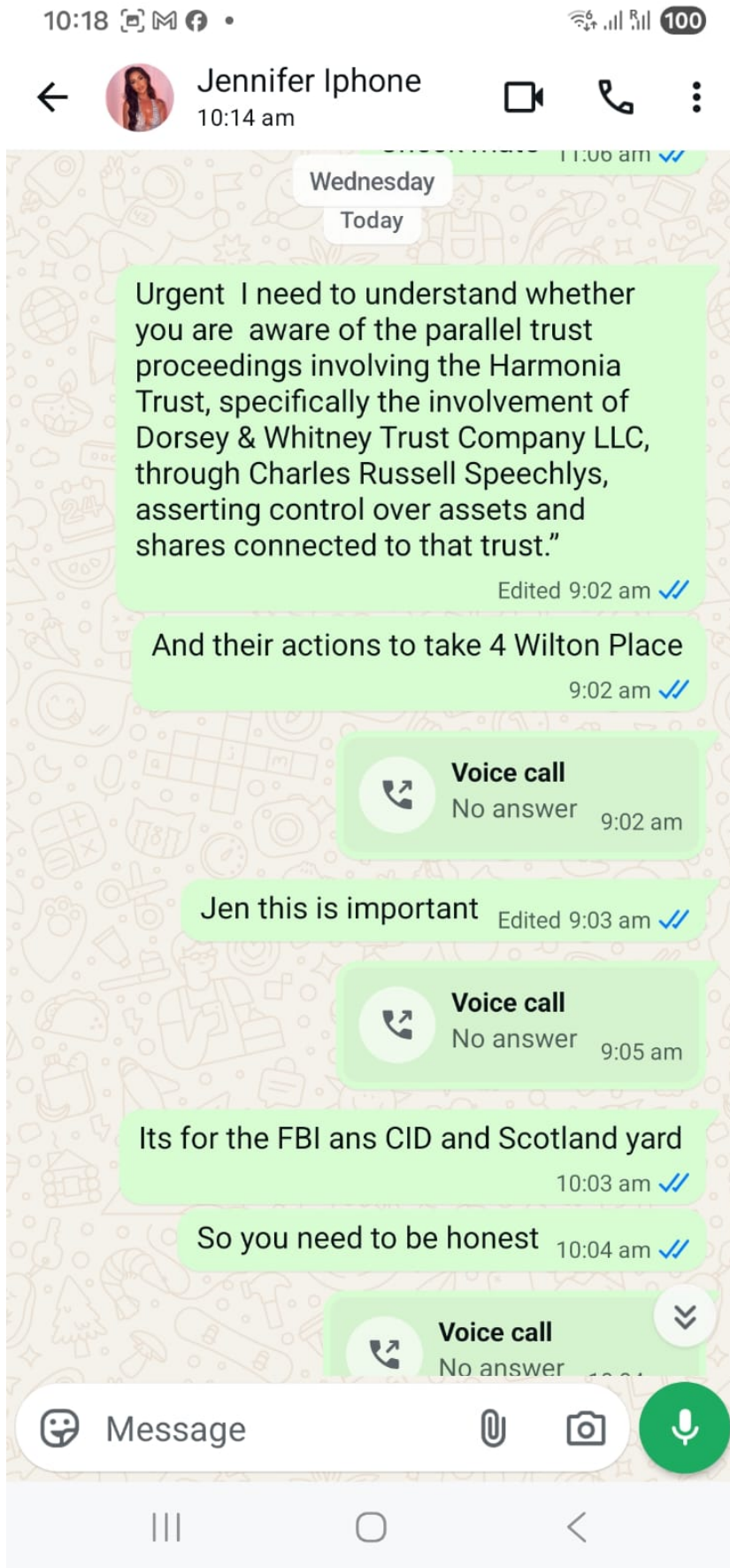


EXHIBIT D

Additional WhatsApp screenshot with Jennifer Iphone showing the same line of enquiry and call attempts.

Embedded on the following page(s).

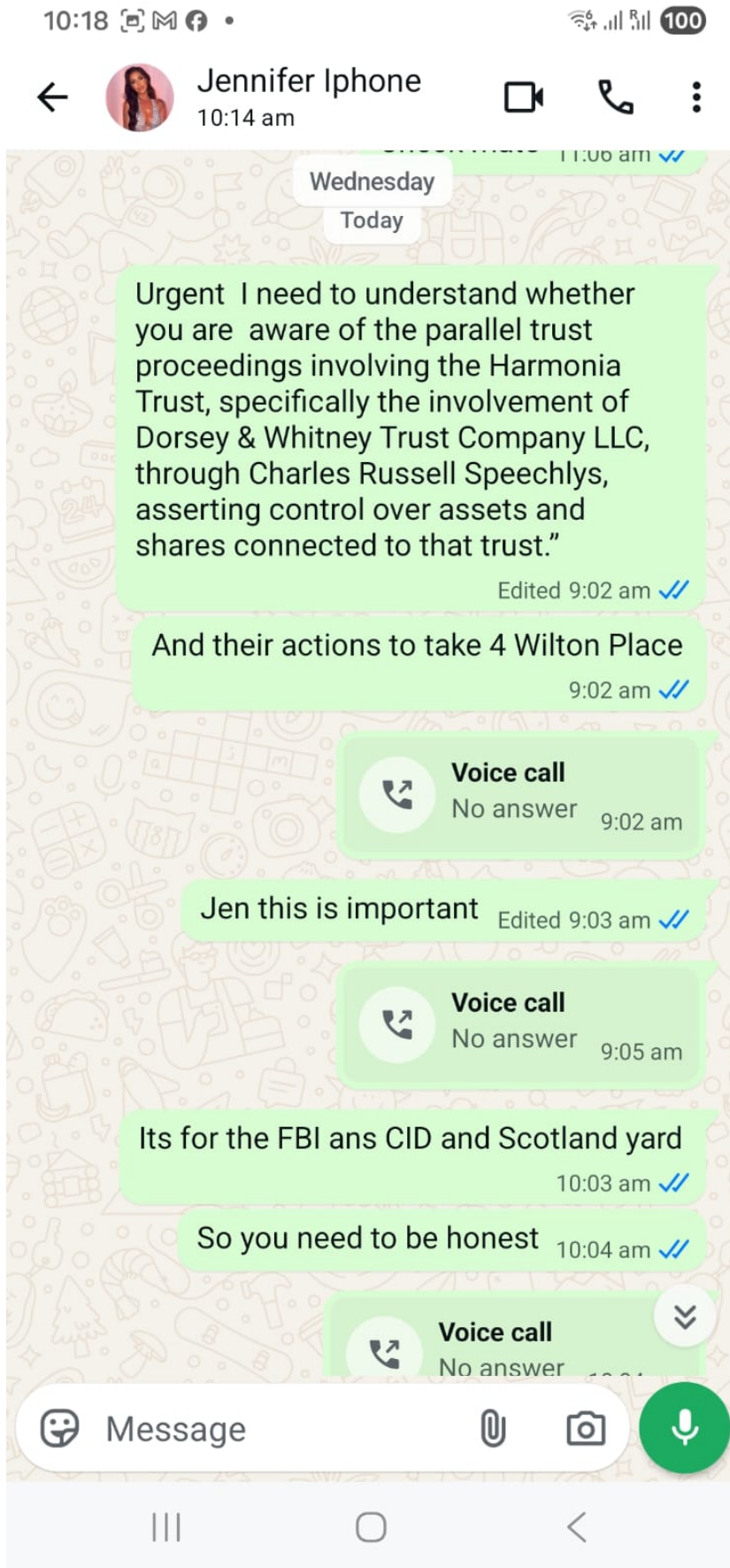


EXHIBIT E

Network diagram supplied by the deponent.

Embedded on the following page(s).



EXHIBIT F

Public article screenshot concerning added child-exploitation and pornography charges in the NXIVM case.

Embedded on the following page(s).

Child-Exploitation, Porn Charges Added to NXIVM Case

With a little over a month until trial, federal prosecutors leveled new child pornography and exploitation charges against the leader of a purported self-help group-turned-sex-slavery ring.

AMANDA OTTAWAY / March 14, 2019



EXHIBIT G


United States Attorney's Office press release screenshot concerning the Keith Raniere verdict.

Embedded on the following page(s).

Exhibit G

An official website of the United States government [Here's how you know](#) ▾

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Eastern District of New York

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PRESS RELEASE

Jury Finds Nxivm Leader Keith Raniere Guilty of All Counts

Wednesday, June 19, 2019

Share



For Immediate Release

U.S. Attorney's Office, Eastern District of New York

Raniere and His Co-Conspirators Operated a Racketeering Enterprise Victimized Women Through Sex Trafficking and Other Crimes

Keith Raniere, the founder and leader of Nxivm, was convicted today by a federal jury in Brooklyn of all seven counts of a superseding indictment charging him with racketeering and racketeering conspiracy; sex trafficking, attempted sex trafficking and sex trafficking conspiracy; forced labor conspiracy and wire fraud conspiracy. The racketeering offense included predicate acts of extortion, identity theft, and production and possession of child pornography. The verdict followed more than six weeks of

EXHIBIT H

Public litigation article screenshot concerning affirmation of NXIVM sex-trafficking convictions.

Embedded on the following page(s).

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NXIVM Leader Ranieri's Sex-Trafficking Convictions Affirmed Anew

Oct. 28, 2025, 9:53 AM PDT



Holly Barker
Legal Reporter



Photographer: Adrian Dennis/AFP via Getty Images

Keith Ranieri, the founder of sex cult NXIVM, lost another appeal challenging his sex-trafficking convictions, after the Second Circuit affirmed a lower court order denying his third motion for a new trial.

The former cult leader alleged prosecutors withheld key evidence related to his racketeering conviction and claimed he'd discovered new evidence showing the government "manufactured child pornography and planted it on a computer hard drive to tie it to him."

EXHIBIT I

Diagram screenshot referencing download/CBS/platform context.

Embedded on the following page(s).

Exhibit I

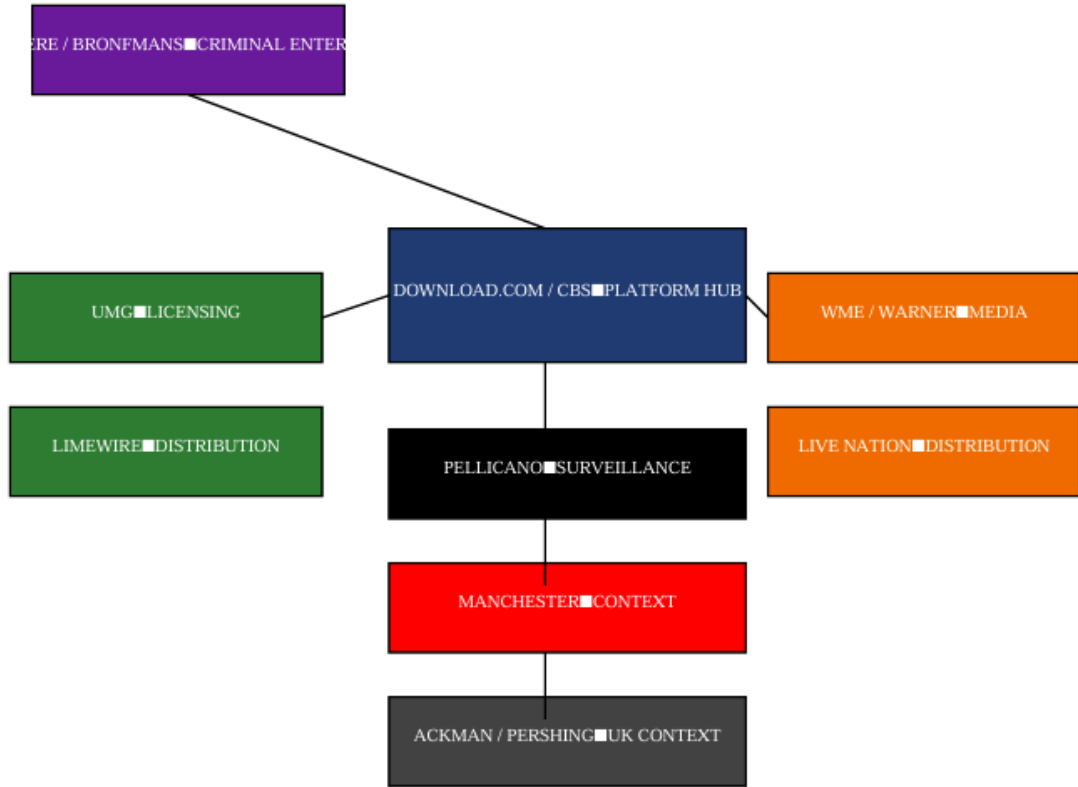


EXHIBIT J

LimeWire and Universal Music Group licensing platform screenshot.

Embedded on the following page(s).

LIMEWIRE STRIKES DEAL WITH UNIVERSAL MUSIC GROUP FOR ITS MUSIC NFT LICENSING PLATFORM

Home > News > [LIMEWIRE STRIKES DEAL WITH UNIVERSAL MUSIC GROUP FOR ITS MUSIC NFT LICENSING PLATFORM](#)

LimeWire has inked a deal with Universal Music Group (UMG) for content licensing on a global scale, opening up the LimeWire collectibles marketplace to all artists under the Universal Music Group umbrella.

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[I understand](#)

[Cookie Choices](#)

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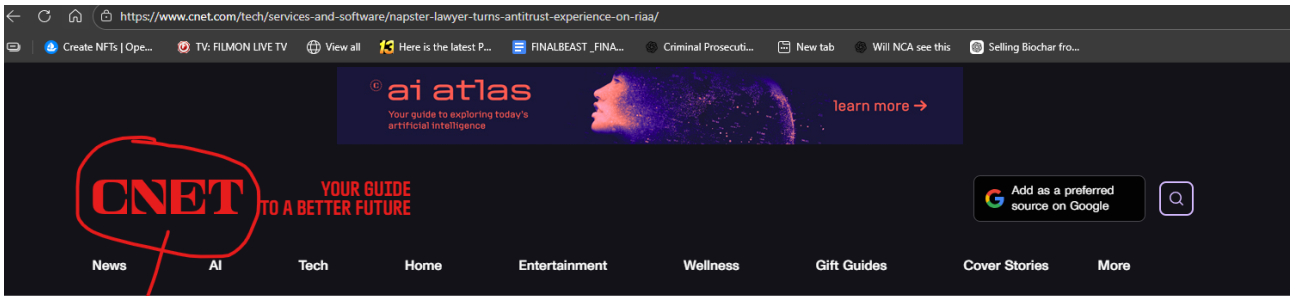


EXHIBIT K

CNET screenshot referencing David Boies, Napster, and the RIAA.

Embedded on the following page(s).

Exhibit K



CBS

Napster lawyer turns antitrust experience on RIAA

In an interview with CNET News.com, attorney David Boies talks about his work on the Napster case and discusses how lessons learned from Microsoft can be applied to the record industry.



John Borland

July 20, 2000 5:00 a.m. PT

5 min read

From the Justice Department to Napster, attorney David Boies knows how to pick his high-profile clients.

For several years he's fought Microsoft on behalf of the DOJ, winning an antitrust judgment that threatens to break the software giant in two.

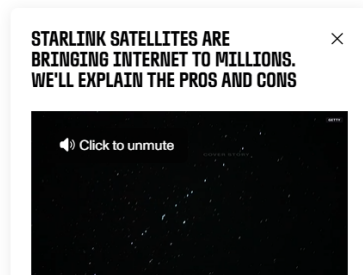


EXHIBIT L

Article screenshot concerning FBI Los Angeles field office ties.

Embedded on the following page(s).

NEWS STORY

Leader of FBI's Los Angeles Field Office Has Ties to Subject of Embezzlement Investigation

🕒 3 Years Ago 🗨️ 0 👤 2 Mins



By Steve Neavling

As the FBI's Los Angeles Field Office investigates disgraced legal legend Tom Girardi, questions are being raised about his connections to one of the office's leaders.

[Donald Alway](#), the assistant director in charge of the field office, has family ties to Girardi, who is accused of misappropriating his clients' settlement money to enrich himself, [The Los Angeles Times reports](#).

Assistant Director in Charge Donald Alway

Alway's mother, Michelle Alway, was Girardi's former girlfriend and secretary. During the 1990s, she received hundreds of thousands of dollars from Girardi and his law firm, court records states.

Girardi also contributed more than \$131,000 towards the mortgage of her home in Carmel-by-the-Sea,

EXHIBIT M

Article screenshot concerning Aaron Carter death reporting.

Embedded on the following page(s).

Exhibit M



Aaron Carter died in November at age 34. (Gilbert Carrasquillo)

The Medical Examiner's office added, "After the scene investigation, Mr. Carter's body was transported to the department's Forensic Science Center for examination.

"On November 6, 2022, the deputy medical examiner completed a full autopsy on Mr. Carter. Following the completion and receipt of relevant test results, the cause of death was certified on April 14."

EXHIBIT N

Article screenshot concerning Antigua PM Alfa Nero litigation outcome.

Embedded on the following page(s).

US Court rules in favor of Antigua PM in Alfa Nero legal dispute

March 30, 2026



Prime Minister Gaston Browne

By **Jovani Davis**

The United States Court of Appeals has ruled in favor of Antigua and Barbuda Prime Minister Gaston Browne and other Antiguan and Barbudan individuals and entities in a financial disclosure case brought by Russian citizen Yulia Guryeva Motlokhov.



EXHIBIT O

Memorandum Opinion and Order supplied by the deponent.

Embedded on the following page(s).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
	:	25-MC-98 (JMF)
IN RE APPLICATION OF YULIA GURYEVA-	:	
MOTLOKHOV FOR AN ORDER SEEKING	:	<u>MEMORANDUM OPINION</u>
DISCOVERY PURSUANT TO 28 U.S.C. § 1782	:	<u>AND ORDER</u>
	:	
	:	
-----	X	

JESSE M. FURMAN, United States District Judge:

In this case, Applicant Yulia Guryeva-Motlokhov (“Applicant”) seeks discovery, pursuant to 28 U.S.C. § 1782(a), from the Federal Reserve Bank of New York and the Clearing House Payments Company LLC (together, “Respondents”) for use in several foreign judicial proceedings. *See* ECF No. 1. Specifically, the application seeks “[a]ll documents concerning all wire transfers” dating to 2019 that reference any of twelve entities and seven people — including Gaston Browne, the Prime Minister of Antigua and Barbuda — that, according to Applicant, were involved in the corrupt seizure and sale of a superyacht known as the *Alfa Nero*. *See* ECF No. 2 (“Applicant’s Mem.”), at 51; ECF Nos. 4-11, 4-12. By Memorandum Opinion and Order entered on March 17, 2025, this Court granted Applicant’s application on an *ex parte* basis, albeit “without prejudice to the timely filing of a motion to quash one or both of the subpoenas” that the Court authorized Applicant to serve. *See* ECF No. 14. Accepting that invitation, some (but not all) of those referenced in the subpoenas — including Browne — intervened, and they now move to quash the subpoenas in their entirety. *See* ECF Nos. 21, 30. For the reasons that follow, the Court GRANTS their motions and quashes the subpoenas in their entirety.

BACKGROUND

At the heart of this proceeding is the *Alfa Nero*, an eighty-one-meter-long superyacht once owned by Applicant’s father. On August 2, 2022, the United States Office of Foreign

Assets Control (“OFAC”) imposed sanctions on Applicant’s father — who is purported to be a close associate of Russian President Vladimir Putin, ECF No. 22 (“Browne Mem.”), at 5 — and designated the *Alfa Nero* as “blocked property,” requesting that it remain in Antigua and Barbuda’s territorial waters where it was moored at the time. Applicant’s Mem. 6. The High Court of Justice in Antigua subsequently issued an order prohibiting the vessel’s removal. *Id.*

In March 2023, media reported that the Antiguan government planned to confiscate and sell the *Alfa Nero*, citing environmental, safety, and security concerns. *See* Applicant’s Mem. 7; Browne Mem. 6. Around the same time, the Parliament of Antigua and Barbuda enacted the Port Authority (Amendment) Act, which granted the government authority to declare vessels abandoned and to then seize and sell such vessels. *See* ECF No. 5 (“Hayes Decl.”), ¶ 29. In June 2023, OFAC removed the *Alfa Nero* from its list of blocked properties in order to facilitate the Antiguan government’s attempt to sell it. *See* Applicant’s Mem. 6-7; Browne Mem. 6.

On June 15, 2023, Applicant filed a civil suit in the High Court of the Eastern Caribbean Supreme Court (“Antiguan High Court”) challenging the constitutionality of the Port Authority (Amendment) Act. *See* ECF No. 6 (“Getz Decl.”), ¶¶ 5-8. Applicant sought but was denied interim injunctive relief to prevent the sale of the *Alfa Nero* pending the Antiguan High Court’s judgment. Applicant’s Mem. 7-8. In July 2024, the Antiguan government sold the *Alfa Nero* for \$40 million to YM Thunder 1 Shipping, Ltd., a company linked to a Turkish businessman named Ali Riza Yildirim. Browne Mem. 7. Trial in the Antiguan High Court took place in November 2024. *Id.* According to the parties, the Court is “due to hand down its judgment regarding the constitutionality of the confiscation and sale of the [*Alfa Nero*] imminently.” *See* Getz Decl. ¶ 9.

In March 2025, Applicant initiated civil proceedings in the Commercial Court of the Kaluga Region in the Russian Federation (“Russian Court”) against Yilidrim, his son, and

associated entities, including YM Thunder 1 Shipping Ltd., seeking recovery of damages from the purchasers of the yacht. ECF No. 7 (“Bouiko Decl.”), ¶¶ 7-19. Shortly thereafter, Applicant filed this proceeding, seeking discovery for use in the proceedings pending in Antigua and Russia as well as proceedings that are allegedly contemplated in the United Arab Emirates (“UAE”). ECF No. 1; Applicant’s Mem. 38. By Memorandum Opinion and Order entered on March 17, 2025, this Court granted the application on an *ex parte* basis, albeit “without prejudice to the timely filing of a motion to quash one or both of the subpoenas” that the Court authorized Applicant to serve. *See* ECF No. 14. Now pending are two such motions to quash: one filed by Gaston Browne, the Prime Minister of Antigua and Barbuda; three members of Browne’s family; four Antiguan companies; the Accountant General of Antigua and Barbuda; and the Director of the Port Authority of Antigua and Barbuda (collectively, “Antiguan Movants”), *see* ECF No. 21; and the second filed by the West Indies Oil Company (“WIOC”). ECF No. 30.

DISCUSSION

It is well established that “Section 1782 applicants must meet certain ‘statutory requirements’: (1) the person from whom discovery is sought must reside or be found in the district in which the application was made, (2) the discovery must be ‘for use in a foreign proceeding before a foreign tribunal,’ and (3) the applicant must be either a foreign tribunal or an ‘interested person.’” *In re Accent Delight Int’l Ltd.*, 869 F.3d 121, 128 (2d Cir. 2017) (quoting *Certain Funds, Accts. &/or Inv. Vehicles v. KPMG, L.L.P.*, 798 F.3d 113, 117 (2d Cir. 2015)). If those statutory requirements are met, then Section 1782 “authorizes, but does not require, a federal district court” to grant the application. *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 247 (2004). In determining whether to exercise that discretion, a district court should consider four factors, commonly known as the “*Intel* factors”: (1) whether the person from

whom discovery is sought “is a participant in the foreign proceeding”; (2) “the nature of the foreign tribunal” and its “receptivity . . . to U.S. federal-court judicial assistance”; (3) whether the request “conceals an attempt to circumvent foreign proof-gathering restrictions”; and (4) whether the request is “unduly intrusive or burdensome.” *Id.* at 264-65; *accord Kiobel by Samkalden v. Cravath, Swaine & Moore LLP*, 895 F.3d 238, 244 (2d Cir. 2018). These factors are “neither exhaustive nor dispositive.” *In re Order Seeking Discovery Under 28 U.S.C. § 1782*, No. 24-MC-152 (GHW) (GS), 2024 WL 3569022, at *3 (S.D.N.Y. July 12, 2024), *report and recommendation adopted by* 2024 WL 3567846 (S.D.N.Y. July 29, 2024); *see also Frasers Grp. PLC v. Stanley*, 95 F.4th 54, 58 (2d Cir. 2024) (observing that “[t]he *Intel* factors are not to be applied mechanically” (internal quotation marks omitted)).

Movants here make forceful arguments with respect to the *Intel* factors, but the Court need not and does not reach them because, upon reflection, it concludes that Applicant fails to satisfy the second prerequisite for relief under Section 1782: that the requested discovery is “for use in a proceeding before a foreign tribunal.” *Kiobel by Samkalden*, 895 F.3d at 243. The “for use” requirement assesses “the practical ability of an applicant to place a beneficial document — or the information it contains — before a foreign tribunal.” *In re Accent Delight*, 869 F.3d at 131. An applicant must both demonstrate that the information is “minimally relevant to the foreign proceeding,” *In re BonSens.org*, 95 F.4th 75, 80 (2d Cir. 2024), and identify a “procedural mechanism by which [the applicant] may inject the discovery it seeks,” *IJK Palm LLC v. Anholt Servs. USA, Inc.*, 33 F.4th 669, 680 (2d Cir. 2022); *see Certain Funds*, 798 F.3d at 120 (“The key question . . . is not simply whether the information sought is relevant, but whether the [applicant] will actually be able to use the information in the proceeding.” (emphasis omitted)). Significantly, “[i]f an applicant’s ability to initiate a proceeding in which the

requested discovery may be used ‘depends on some intervening event or decision,’ the applicant must ‘provide an objective basis on which to conclude that the event will occur.’” *In re BonSens.org*, 95 F.4th 75, 80-81 (2d Cir. 2024) (quoting *IJK Palm LLC*, 33 F.4th at 680).

The three proceedings that Applicant invokes — the proceedings already pending in Antigua and Russia and the proceedings allegedly contemplated in the UAE — fail to meet these standards. The Court will address each in turn.

A. The Antiguan Proceedings

First, the pending Antiguan proceedings fall short because Applicant has failed to identify any procedural mechanism to “inject” the requested discovery into those proceedings at this time — or any time in the near future. As noted, the trial before the Antiguan High Court has already concluded, and that Court “is due to hand down its judgment . . . imminently.” Getz. Decl. ¶ 9. Significantly, Applicant does not even try to argue that she would be able to place the records at issue before the Antiguan High Court itself at this stage of the proceedings. Instead, in the words of her own foreign law expert, she hopes to use the records in an *appeal* that she “intends” to bring “[i]f the [Antiguan High Court’s] Judgment is unfavorable.” *Id.* ¶ 10 (emphases added). “[A]t this stage of the proceeding,” however, there is “no ‘objective basis’ from which” the Court can conclude that the Antiguan High Court’s decision will be “unfavorable” to Applicant, let alone that the records at issue would be relevant to the particular issue or issues in an appeal from such a decision. *In re BonSens.org*, 95 F.4th at 81.

Perhaps recognizing that flaw in her request, Applicant asserts in her memoranda of law that the requested discovery would be used in the Antiguan proceeding even if the Antiguan High Court were to rule in her favor, as she would use it to enforce the judgment and seek compensation in the form of the sale proceeds. *See* Applicant’s Mem. 49; ECF No. 41

(“Applicant’s Opp’n”), at 22. But without further explanation from her foreign law expert, this assertion alone is too “conclusory,” *In re Postalis*, No. 18-MC-497 (JGK), 2018 WL 6725406, at *4 (S.D.N.Y. Dec. 20, 2018), and does “not adequately explain[] . . . how” wire transfer records dating back to 2019 would help her recover proceeds from a sale that took place in 2024, *In re Lloreda*, 323 F.Supp.3d 552, 558 (S.D.N.Y. 2018). Moreover, the assertion is hard to even credit given the Movants are not defendants in the Antiguan proceedings.

In short, Applicant has not demonstrated that the requested discovery is “for use” in the Antiguan proceedings given the current posture of those proceedings.

B. The Russian Proceedings

Nor do the ongoing Russian proceedings satisfy the “for use” requirement. In those proceedings, Applicant seeks damages from the purchasers of the *Alfa Nero* on the ground that the purchase was “unfair” under Russian law because it was done “in accordance with sanctions imposed by ‘unfriendly’ states,” namely the United States. Bouiko Decl. ¶ 15. But the subpoenas do not even mention the purchasers. *See* ECF Nos. 4-11, 4-12. Applicant contends that the records she seeks may help her prove that the sale of the *Alfa Nero* was part of a broad corruption scheme, may confirm “the identities of the purchasers,” and may aid her in “identifying related transactions, [or] uncovering any ongoing financial connections between Browne and the alleged purchasers,” Applicant’s Opp’n 14-15, but she fails to show that any of that is relevant to the sole issue in the Russian proceedings: whether the vessel’s purchase was “in accordance” with U.S. sanctions.¹ In short, Applicant’s discovery request “appears to be

¹ Additionally, even if the records at issue could be used in the Russian proceedings, the Court agrees with the Antiguan Movants that “the nature of those proceedings strongly militates against permitting discovery” in the United States, as the goal of those proceedings is to undermine U.S. sanctions. ECF No. 45 (“Antiguan Movants’ Reply”), at 9 (citing *Intel Corp*, 542 U.S. at 264). “No U.S. court should aid such a pursuit.” *Id.*

little more than a fishing expedition to acquire documents and information that have at best limited relevance” to the Russian proceedings. *In re Lloreda*, 323 F. Supp. 3d at 559.

C. The Contemplated Proceedings in the UAE

Finally, the Court concludes that any future criminal proceeding in the UAE is not sufficiently “within reasonable contemplation,” *Intel Corp.*, 542 U.S. at 259, to satisfy the “for use” requirement. To show that a proceeding is “within reasonable contemplation,” an applicant must provide “reliable indications of the likelihood that proceedings will be instituted within a reasonable time.” *Certain Funds*, 798 F.3d at 124. Contemplated “proceedings cannot be merely speculative”; “[a]t a minimum, [an] applicant must present to the district court some concrete basis from which it can determine that the contemplated proceeding is more than just a twinkle in counsel’s eye.” *Id.* at 124. Significantly, courts have held that where “the most [an applicant] appears able to do is to forward the evidence [she] obtains to [a foreign criminal authority], which, exercising its discretion, will decide whether to initiate a formal criminal prosecution,” the “for use” requirement is not met. *In re Klein*, No. 23-MC-211 (PAE), 2023 WL 8827847, at *9 (S.D.N.Y. Dec. 21, 2023), *aff’d sub nom. Klein v. Altara RK Invs. Ltd.*, 2025 WL 560105 (2d Cir. Feb. 20, 2025) (summary order); *see, e.g., IJK Palm LLC*, 33 F.4th at 678 (“[D]iscovery material is not ‘for use’ in a foreign proceeding if it must first be used to persuade a third party to initiate that proceeding.”).

Measured against these standards, the potential proceedings in the UAE are far too speculative to support Applicant’s request. For starters, Applicant’s own foreign law expert concedes that the discovery “will allow Applicant to determine *whether and how* Browne, *possibly* with the assistance of others, executed a self-interested seizure and sale of the vessel.” ECF No. 8 (“Gunson Decl.”), ¶ 12 (emphases added). Moreover, even if she finds evidence to

support her suspicions, she could not submit it to a court. Instead, she would “file[] [it] with the UAE Federal Public Prosecution,” which, in turn, would investigate only “[i]f the petition is deemed admissible.” *Id.* ¶ 8 (emphasis added). “If sufficient evidence is found,” Applicant’s foreign law expert continues, “the UAE Federal Public Prosecution *may* proceed with formal charges.” *Id.* (emphasis added). This lengthy chain of contingencies makes plain that there is no “concrete basis from which [the Court] can determine” that a proceeding in the UAE in which Applicant could make use of the requested discovery “is more than just a twinkle in counsel’s eye.” *Certain Funds*, 798 F.3d at 124. As in *In re Klein*, No. 23-MC-211 (PAE), 2023 WL 8827847 (S.D.N.Y. Dec. 21, 2023), the most it appears she could do is “forward the evidence” to the prosecution, “which, exercising its discretion, will decide whether to initiate a formal criminal proceeding.” *Id.* at *9. That does not suffice.

Nor do the cases upon which Applicant relies compel a different conclusion. *See* Applicant’s Opp’n 15-16. In *In re Byrne*, No. 23-MC-048 (VEC), 2023 WL 3203811 (S.D.N.Y. May 2, 2023), for example, the applicant was seeking discovery relevant to an already-pending civil proceeding in addition to a contemplated criminal proceeding. *See id.* at *5. To the extent that the court relied on the contemplated criminal proceeding, the court acknowledged that the petitioner attested that he intended to file a criminal complaint “as soon as reasonably possible” and was only “await[ing] discovery” from the Section 1782 petition “to provide *further* evidence of the Liable Parties’ criminal” actions, *id.* (emphasis added) — representations that Applicant has not made (and likely cannot make) here, *see* Gunson Decl. ¶ 10 (stating that Applicant will pursue criminal proceedings “once she has sufficient evidence to persuade [UAE authorities] that a prosecution will be successful”). And *Dannacher v. Cloudflare, Inc.*, No. 24-MC-80066 (SK), 2024 WL 2875097 (N.D. Cal. May 23, 2024), involved an *ex parte* application, with the “for

use” requirement receiving no substantive analysis. *See id.* at *3 (addressing all statutory requirements in a single sentence). Further, the district court noted that the Dubai Police Station had already opened an investigation of the underlying events at issue. *See id.* Here, by contrast, there is no open investigation. Instead, criminal proceedings in the UAE are no more than “purely hypothetical.” *In re Harbour Victoria Inv. Holdings Ltd. Section 1782 Petitions*, No. 15-MC-127 (AJN), 2015 WL 4040420, at *8 (S.D.N.Y. June 29, 2015) (Nathan, J.).

CONCLUSION

For the foregoing reasons, the Court concludes that Applicant has not satisfied the “for use” statutory requirement for relief under Section 1782. Accordingly, Movants’ motions to quash the subpoenas must be and are GRANTED, and the Court’s Memorandum Opinion and Order entered on March 17, 2025, which had granted Applicant’s application on an *ex parte* basis is VACATED. (The Clerk of Court can and should leave it on the docket, however, as it is part of the record in this matter.)

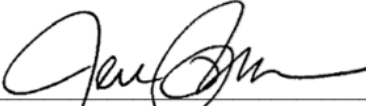
To be clear, the subpoenas are quashed in their entirety, notwithstanding the fact that only some of those referenced in the subpoenas have appeared and sought relief. That is because Movants’ arguments demonstrate that Applicant failed to meet the statutory requirements for relief in the first instance; given that, and given that the Court granted the application on an *ex parte* basis without the benefit of adversarial testing, it would be inappropriate to allow the subpoenas to stand at all. Finally, Applicant and Movants shall promptly confer with respect to what should be done with any discovery that Applicant has already received in connection with the now-quashed subpoenas and, **within two weeks of the date of this Opinion and Order**, file an agreed-upon proposed order (or competing orders, with a redline showing the differences, and letter briefs not to exceed three pages).

The Court's decision is without prejudice to a new application for relief under Section 1782 in the event that circumstances change materially (for example, in the Antiguan proceedings) and Applicant is able to satisfy the second statutory requirement. *See In re Application of BonSens.org for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding*, 22-MC-352, ECF No. 26 (S.D.N.Y. Feb. 14, 2023), *aff'd*, 95 F.4th 75. In the event that Applicant files a new application, she shall mark it as related to this case.

The Clerk of Court is directed to terminate ECF Nos. 21 and 30; to conform the docket to the caption on this Memorandum Opinion and Order; and to close the case.

SO ORDERED.

Dated: June 4, 2025
New York, New York



JESSE M. FURMAN
United States District Judge

EXHIBIT P

Transcript text supplied by the deponent.

Embedded on the following page(s).

Exhibit P — Transcript Text

0:00:00.400,0:00:07.919

uh outside ABS television station. Um,

0:00:04.240,0:00:10.800

right now there is a uh private cabinet

0:00:07.919,0:00:13.679

broadcast going on about the Alpha Nero

0:00:10.800,0:00:16.800

U lawsuit that I've been attached to and

0:00:13.679,0:00:18.400

um I am here really exposing as best as

0:00:16.800,0:00:20.480

I can to the individuals who I'm not

0:00:18.400,0:00:23.039

going to show you but um individuals who

0:00:20.480,0:00:25.359

are close to the BM and we are going to

0:00:23.039,0:00:28.240

do our very very best to make sure that

0:00:25.359,0:00:30.480

this uh gets to the right people's eyes

0:00:28.240,0:00:34.480

and ears and uh things are done about

0:00:30.480,0:00:37.440

it. Ali David. He's actually um a very

0:00:34.480,0:00:39.680

wealthy man. Um he actually um is a

0:00:37.440,0:00:42.120

beneficiary of um a trust that owns the

0:00:39.680,0:00:45.760

largest Coca-Cola factory in um in

0:00:42.120,0:00:49.200

Kenya. Uh he rented my home for over a

0:00:45.760,0:00:51.440
year. Uh they have added him to the to

0:00:49.200,0:00:52.800
the litigation. The only relationship he

0:00:51.440,0:00:55.600
has had with me is that he rented our

0:00:52.800,0:00:57.199
jolly home. Uh they've added my son

0:00:55.600,0:00:59.760
who's not a public official. They have

0:00:57.199,0:01:02.559
added my wife. They have gone as far as

0:00:59.760,0:01:06.080
added adding a former girlfriend of

0:01:02.559,0:01:08.880
mine. Now we all know that information

0:01:06.080,0:01:11.600
came from um domestic sources. Uh they

0:01:08.880,0:01:14.840
added two companies that don't even have

0:01:11.600,0:01:18.000
is a total fabrication designed

0:01:14.840,0:01:20.720
specifically to undermine our country

0:01:18.000,0:01:24.080
and certainly to defame me. Uh even the

0:01:20.720,0:01:26.560
issue about um this fishing expedition

0:01:24.080,0:01:28.799
in which they are asking for disclosure.

0:01:26.560,0:01:30.640
And let me make it abundantly clear that

0:01:28.799,0:01:32.720
there's and and for our viewers who have

0:01:30.640,0:01:34.479
not seen this document, it does quote uh

0:01:32.720,0:01:36.159
the leader of the opposition uh Jamal

0:01:34.479,0:01:38.640
Green. It does quote uh him in that

0:01:36.159,0:01:41.600
document. Yeah, it and it sources

0:01:38.640,0:01:43.680
sources from Antigga. Somebody says with

0:01:41.600,0:01:46.119
a degree of certainty prime minister has

0:01:43.680,0:01:48.640
substantial shareholding in

0:01:46.119,0:01:51.600
we where where's where the shares? Why

0:01:48.640,0:01:55.600
is it not on the stock market? It's not

0:01:51.600,0:01:58.320
because he does not own shares in we or

0:01:55.600,0:02:00.640
substantial holding of shares in not to

0:01:58.320,0:02:02.399
believe uh that type of fictional

0:02:00.640,0:02:05.439
narrative then I think something is

0:02:02.399,0:02:08.679
fundamentally wrong but as Tony says it

0:02:05.439,0:02:11.840
is a total fabrication designed

0:02:08.679,0:02:13.280
specifically to undermine our country.

0:02:11.840,0:02:15.280
Knock yourselves out if you want to

0:02:13.280,0:02:17.599
believe it. Um and um if you all think

0:02:15.280,0:02:19.520
you're getting um one red scent because

0:02:17.599,0:02:22.080
this is part of the strategy apparently

0:02:19.520,0:02:24.239
to throw as much much um mud as possible

0:02:22.080,0:02:25.599
and then try and extort. In fact,

0:02:24.239,0:02:29.280
there's a particular one there by the

0:02:25.599,0:02:30.959
name of um Duca. Uh I mean he has been

0:02:29.280,0:02:32.720
attacking me publicly. I've never seen

0:02:30.959,0:02:35.680
an attorney um behave in such a

0:02:32.720,0:02:39.040
non-professional way. And um he's one of

0:02:35.680,0:02:41.680
the persons that I'm going to sue. Uh so

0:02:39.040,0:02:43.599
there is more than just me in the fight.

0:02:41.680,0:02:47.800
It's the whole nation of Antiga and

0:02:43.599,0:02:50.800
Barbuda. So now it's 101,000 of

0:02:47.800,0:02:52.319

us. Go team. And for our viewers who

0:02:50.800,0:02:54.480

have not seen this document, it does

0:02:52.319,0:02:56.319

quote uh the leader of the opposition uh

0:02:54.480,0:02:58.959

Jamal Pringle does quoted uh him in

0:02:56.319,0:03:02.400

that document. Yeah. It and his sources

0:02:58.959,0:03:02.400

sources from Antigga