



District Court of the Northern Netherlands

Leeuwarden

Case 22 November 2023
number:

Case number: C/17/190788
Our reference: PS/D100607 AK/2023008

MINUTES OF DELIBERATION ON SUSPENSION PURSUANT
TO SECTION 225(2) OF THE CODE OF CIVIL PROCEDURE
ALSO MINUTES ON THE INTRODUCTION OF DOCUMENTS
INTO THE PROCEEDINGS AND
CLARIFICATION OF CERTAIN PROCEDURAL MATTERS

Re:


Claimants 1 to 7,

Legal representatives: Mr A.G.W.
van Kessel
and Mr P.W.H. Stassen;

Defendants:

The State of the Netherlands et al.

Defendants 1 to 10, 14 and 17

Counsel: Mr R.W. Veldhuis

and



G.J.M-T van Cann
P.E. Jansen
Defendants 12 and 13
Litigation counsel: A Bekema, LL.B.

and

A.C. Van der Voort-Kant
Defendant No. 16
Legal representative: Mr A.H. Ekker

and

A. Bourla
Defendant No. 11
Litigation counsel: unknown

and

W.H.B. Gates III
Defendant No. 15
Legal representative:
unknown

The claimants respectfully submit the following

NOTICE OF ADJOURNMENT

- 1) The claimants' solicitors have been informed of the death of [REDACTED] (claimant No. 6) last October. She was 51 years old. She is survived by three children.
- 2) Following this death, the solicitors have contacted the next of kin, specifically the heirs. At present, the solicitors do not have a mandate from the joint heirs to continue the proceedings on behalf of the estate. The heirs require time to consider how to proceed with the legal proceedings.
- 3) In view of the above, the plaintiffs' solicitors request, pursuant to Article 225(2) of the Code of Civil Procedure, that your court place the case on the list in four weeks' time for a hearing to consider whether to resume proceedings.

SUBMISSION OF DOCUMENTS

- 4) In relation to the valid service of the summons on the 15th defendant (Gates), the plaintiffs' solicitors submit, as **Annex 1**, a certificate of service (Certificate of Attestation) showing that on 9 August 2023 the summons, including the English translation, exhibits and USB stick, was served on Gates.

5) In relation to the service of the summons on defendant No. 11 (Bourla), the plaintiffs' solicitors submit the following documents as **Annex 2**.

- a screenshot of the Pfizer website showing the address of Pfizer's head office in New York, where Bourla works as CEO, namely 66 Hudson Boulevard East

- A proof of dispatch from the plaintiffs' bailiff concerning the dispatch of the summons via UPS to Pfizer's head office for the attention of Bourla.

- A public notice dated 17 August 2023, whereby service was effected by means of a notice in the Government Gazette. This was due to the fact that Bourla's place of residence or abode was unknown.

- A Certificate of Attestation dated 17 August 2023, showing that the authority in the United States attempted to serve the summons, including an English translation and the USB stick, on Bourla in person at the address of Pfizer's head office. According to the report contained in this document, the reception staff there stated that Bourla was a 'subject unknown'.

- A certificate of service dated 15 September 2023, in which, on the basis of Bourla's new residential address—which had by then become known—service was effected on the (central) authority of the requested State in accordance with the provisions of the Hague Service Convention. In doing so, use was made of the option provided for in Article 10(b) of the Hague Service Convention.

- A track-and-trace report showing that the summons, including an English translation and the USB stick, was received by Bourla at his current residential address on 27 September 2023 at 12.41 pm.
- A Certificate of Attestation dated 23 October 2023 showing that on 3 and 10 October 2023, the authority in the requested State attempted to serve the summons, together with all accompanying documents, on Bourla. On 3 October 2023, this was not possible because no one was at home, and on 10 October 2023, it was not possible because the property is situated on a fenced-off site and security guards present there expressly prohibited the delivery of the documents, whilst confirming that Bourla resides at this address.
- Correspondence dated mid-October 2023 between the plaintiffs' solicitors and the bailiff they had engaged, in which the bailiff outlined the possibility of having an additional service of process carried out via the local sheriff by affixing the summons to the (fences of) Bourla's residence. The plaintiffs' solicitors have given instructions to this effect. These instructions are currently being carried out.

STATEMENT ON CERTAIN PROCEDURAL MATTERS

- 6) Upon the commencement of these proceedings before your court, the claimants' litigation solicitors submitted two B1 forms. These show, as also stated in the summons, that both Mr Van Kessel and Mr Stassen were appointed as litigation solicitors by the claimants.

■ However, Mr Stassen does not have the technical capability to add himself to the digital register as a litigation lawyer via the rechtspraak.nl portal. Mr Stassen requests that your court list him as such on the register.

- 7) A final point to note is that the plaintiffs' bailiff mistakenly failed to include Mr Stassen's correct initials in, amongst other documents, the writ of summons.

Duly noted!

Litigation lawyer

Mr A.G.W. van Kessel, also on behalf of Mr P.W.H. Stassen

