

judgement

NORTHERN NETHERLANDS DISTRICT COURT

Civil Division
Leeuwarden

Case/roll number: C/17/190788 / HA ZA 23-172

Judgment in the interlocutory proceedings of 1 May 2024

in the case of

1. [REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
4. E [REDACTED]
[REDACTED]
5. [REDACTED]
[REDACTED]
6. t [REDACTED]
[REDACTED]
7. [REDACTED]
[REDACTED]

claimants,
defendants in the interlocutory proceedings,
hereinafter referred to collectively as: [REDACTED]
lawyer: Mr P.W.H. Stassen,

against

1. Agnes Catharina **VAN DER VOORT-KANT**,
with address for service in Amsterdam,
the defendant,
lawyer: Mr A.H. Ekker,

and

2. the **STATE OF THE NETHERLANDS**,
with its seat in The Hague,
3. **Everhardus Ite HOFSTRA**,
4. **Jaap Tamino VAN DISSEL**,
5. **Maria Petronella Gerarda KOOPMANS**,
6. **Mark RUTTE**,
7. **Sigrid Agnes Maria KANT**,
8. **Hugo Mattheüs DE JONGE**,
9. **Ernst Johan KUIPERS**,
10. **Diederik Antonius Maria Paulus Johannes GOMMERS**,
11. **Wopke Bastiaan HOEKSTRA**,
12. **Cornelia VAN NIEUWENHUIZEN**,



1 May 2024

13. Feike SIJBESMA,
defendants,
all electing address at The Hague,
solicitors: Mr R.W. Veldhuis and Mr M.E.A. Möhring,

and

14. Albert **BOURLA**,
residing in Greenwich,
defendant,
advocaat: D. Roessing, LL.B., and Bredenoord-Spoek, LL.B.,

and

15. Giselle Jacqueline Marie-Thérèse VAN CANN,
residing in the municipality of De Bilt,
16. **Paul Edwin JANSEN**,
residing in the municipality of Leiden,
defendants,
solicitors: Mr L. Broers and Mr R.H.W. Lamme,

and

17. William Henry Bill GATES III,
residing in Medina, Washington,
defendant,
claimant in the interlocutory proceedings,
lawyer: W. Heemskerk, LL.B.

1. The proceedings

1.1. The course of the proceedings is set out – in so far as is relevant here – in:

- the writ of summons;
- the statement of defence on the part of defendants 2 to 13;
- the statement of defence on the part of defendant No. 14;
- the statement of defence on the part of defendants 15 and 16;
- the statement of defence submitted by defendant 1;
- the incidental statement of defence raising a plea of lack of jurisdiction on the part of defendant 17;
- the statement of defence in the incidental proceedings concerning lack of jurisdiction on the part of [REDACTED];
- the request for an oral hearing in the interlocutory proceedings from defendant No. 17 dated 19 March 2024;
- a letter dated 26 March 2024 from the claimants requesting additional speaking time and a joint hearing.

1.2. A judgment was subsequently delivered in the preliminary proceedings.

2. The grounds

2.1 William Henry Gates III, in his incidental submission, requested that the court

declare that it lacks jurisdiction to hear the claims of [REDACTED] in so far as they relate to him, and order [REDACTED] to pay the costs. [REDACTED] filed a response to the interlocutory proceedings, following which William Henry Gates III, by letter dated 19 March 2024, requested that an oral hearing be scheduled in the interlocutory proceedings. By letter dated 26 March 2024, [REDACTED] responded and – in summary and in essence – raised no objection to an oral hearing, but requested four hours' speaking time. In addition, [REDACTED] requested that the case be heard by the full bench.

2.2 As both [REDACTED] and the 17th defendant, the claimant in the interlocutory proceedings, wish to explain their positions orally, the court will order an oral hearing in the interlocutory proceedings and give these parties the opportunity to explain their positions in the proceedings.

2.3 The court sees no grounds for deviating from the standard duration of the hearing. Nor does the court see any grounds for deviating from the principle of a single-judge hearing as set out in Article 15(1) of the Code of Civil Procedure. This interlocutory proceedings concern solely the question of jurisdiction in respect of William Henry Gates III, defendant No. 17. [REDACTED] themselves state in their statement of defence in the interlocutory proceedings on jurisdiction (paragraph 9) that it is evident in this case that considerations of efficiency justify a joint hearing. This position is incompatible with the request for a very extensive joint hearing on the question of jurisdiction.

2.4 The court points out that, should any of the parties involved in this preliminary objection fail to appear at the oral hearing, it may draw such conclusions – including those to the detriment of that party – as it deems appropriate.

2.5 In principle, at the oral hearing, the parties' legal representatives are given the opportunity to further explain the parties' legal positions regarding the interlocutory application raised. Notes may be used for this purpose; speaking time is limited to a maximum of 30 minutes per party. Extensive oral and written submissions will not be permitted.

2.6 If a party wishes the court to take into account, for example, letters or other written documents when assessing the dispute in the interlocutory proceedings, it must send these to the court and to the opposing party no later than ten days before the hearing takes place.

2.7 Any further decision is reserved.

3. The decision

The court

in the interlocutory proceedings

3.1. orders the parties, assisted by their solicitors, to appear to give evidence at the hearing before **Mr T.P. Hoekstra**, at the courthouse in Leeuwarden, on a date and at a time to be determined by the court;

3.2. notes that the name of the judge has not yet been finalised and that the case may still be assigned to another judge, as the final allocation takes place shortly before the hearing;

3.3. stipulates that if another judge is to hear your case at the hearing, you will be notified of this no later than two working days before the hearing;

3.4. stipulates that the parties must then be present in person (legal entities must be duly represented);

3.5. stipulates that the case will be placed on the roll again on **15 May 2024**; for the parties and their solicitors to notify the court of any dates on which they are unavailable within a period of six months from that date, after which the date and time of the oral hearing will be determined;

3.6. orders that, in the absence of the requested notification(s), the court will determine the time of the oral hearing itself;

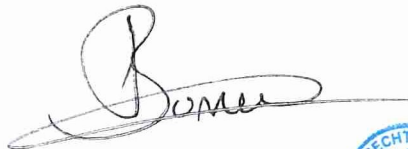
3.7. orders that, once the date and time of the oral hearing have been set, these will, in principle, not be altered;

3.8. draws the parties' attention to the fact that approximately one and a half hours will be set aside for the hearing;

3.9. rules that, if the parties wish to rely on documents not yet submitted at the hearing, these must be sent to the court and the other party no later than ten days before the hearing,

3.10. reserves all further decisions.

This judgment was delivered by Mr T.P. Hoekstra and pronounced in open court on 1 May 2024.



Ref: 785/



Certified true copy

- 1 MAY 2024

The Registrar



ENTERED

- 2 May 2024