



District Court of the Northern
Netherlands, Leeuwarden
Division, Hearing: 20 March
2024, Case number:
C/17/190788 PS/D100607
AK/2023008

STATEMENT OF DEFENCE IN
THE JURISDICTION MOTION

Re:

██████ et al.:

Claimants 1 to 5 and 7 in the main
proceedings (suspended in respect of
claimant no. 6 †) Defendants in the
preliminary proceedings Legal
representatives: Mr A.G.W. van Kessel
and Mr P.W.H. Stassen;

Opposing party:

W.H.B. Gates III
Defendant No. 15 in the main
proceedings; Claimant in the
interlocutory proceedings; Legal
representative: W. Heemskerk,
LL.M.

The defendants in the interlocutory proceedings, hereinafter referred to as '█', et al.', respectfully submit their **STATEMENT OF DEFENCE IN THE INTERLOCUTORY PROCEEDINGS.**

1. █ et al. are of the opinion that the jurisdiction of the Dutch court is based exclusively on Dutch rules on jurisdiction as set out in the Code of Civil Procedure. EU Regulation No 1215/2012 (Brussels I-bis) does not apply. The claimant in the interlocutory proceedings, hereinafter referred to as 'Gates', is not domiciled in a European Member State to which this EU Regulation applies.

2. Gates is domiciled in the United States of America. The EU Regulation provides as follows in respect of defendants who are not domiciled within the territory of a Member State:

(13) *There must be a connection between the proceedings to which this Regulation applies and the territory of the Member States. The common rules on jurisdiction must therefore, in principle, apply where the defendant is domiciled in one of those Member States.*

(14) *As regards defendants who are not domiciled in the territory of a Member State, the national rules on jurisdiction applicable in the territory of the Member State of the court seised of the case shall, as a general rule, apply.*

With a view to protecting consumers and employees, and in order to ensure the jurisdiction of the courts of the Member States in cases where they have exclusive jurisdiction and to respect the autonomy of the parties, certain rules on jurisdiction set out in this Regulation should apply, irrespective of the defendant's place of residence.

3. As is evident from its recitals and applicable provisions, the aforementioned EU Regulation leaves no room for doubt that, given his place of residence in the United States of America, Gates cannot rely on this EU Regulation. Contrary to Gates's assertion, therefore, in assessing your court's jurisdiction, **no** reference should be made to the EU Regulation; rather, as will be explained in more detail below, your court derives this jurisdiction from the relevant provisions of the Dutch Code of Civil Procedure.

4. In the writ of summons, the basis of the claim is founded on a tort committed by Gates, both as an individual and as part of a group, against the claimants in the Netherlands. As is apparent from paragraph 1.2 of Gates's interim submission, Gates acknowledges that this is the basis of the claimants' claim.
5. Gates' argument that, with regard to your court's jurisdiction, the claimants' submissions relate solely to Article 99(1) in conjunction with Article 107 of the Code of Civil Procedure fails to recognise that the rules of international private law concerning jurisdiction are matters of public policy and that your court applies these provisions of its own motion. The claimants have fulfilled their burden of proof.
6. It is established that, in his incidental submission, Gates has not contested (with reasons) any of the plaintiffs' extensively substantiated and, by means of evidence, plausibly established claims regarding Gates's unlawful conduct and the connection between that conduct and the unlawful conduct of all other defendants. Reference is made in this regard to the allegations set out in paragraph 4.3.2 of the writ of summons. In assessing the interlocutory claim, these allegations by the claimants in the main action must be regarded as legally established.
7. Gates's argument in paragraph 4.3 of the incidental statement of defence, that the claimants have not set out any facts and circumstances from which the connection between his unlawful conduct and that of Hofstra could be inferred, is completely off the mark. As regards the international jurisdiction to be assessed ex officio by your court, Article 107 of the Code of Civil Procedure does not apply; rather, it must first be assessed on the basis of the criterion set out in Article 7(1) of the Code of Civil Procedure.
8. Article 7(1) of the Code of Civil Procedure provides:
Where, in cases to be brought by writ of summons, the Dutch court has jurisdiction over one of the defendants, it shall also have jurisdiction over other defendants involved in the same proceedings, provided that there is such a connection between the claims against the various defendants that considerations of efficiency justify their joint hearing.
9. In this case, it is evident that considerations of efficiency justify a joint hearing. Gates and all the defendants, including defendant number 11 (Bourla), who is also resident in the United States of America, each played their own role in the tort committed as a group. With regard to Gates, it is undisputed in the writ of summons that he is the principal private driving force within this group. It is primarily for this reason that

there is such a connection between the claims against the various defendants that considerations of efficiency justify a joint hearing.

10. As regards the international jurisdiction of the Dutch court, the defendants in this interlocutory proceedings also refer to Article 6(e) of the Code of Civil Procedure. This provision stipulates that the Dutch court has jurisdiction to rule on obligations arising from a tort if the event causing the damage has occurred or may occur in the Netherlands.
11. The damage caused by the tort (unlawful and deliberate deception by Gates, both individually and as part of a group) – including the pecuniary and non-pecuniary damage suffered by claimants 1 to 5 and 7 in the main action and the death of claimant 6 in the main action – has occurred in the Netherlands. The claimants in the main action had the dangerous Covid-19 injections administered in the Netherlands as a result of the alleged deliberate deception, and they are consequently suffering their loss in the Netherlands. The Dutch court derives its jurisdiction to rule on this case, including in respect of Gates, from Article 6(e) of the Code of Civil Procedure.
12. Furthermore, the Dutch court derives its jurisdiction in this case from Article 9(c) of the Code of Civil Procedure. Article 9 of the Code of Civil Procedure reads:

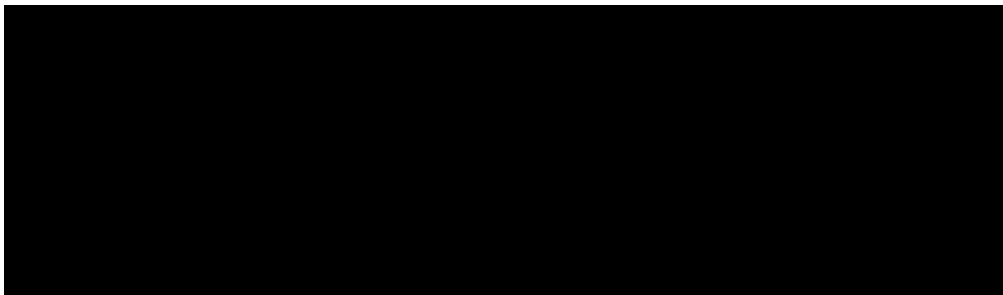
If the Dutch court does not have jurisdiction on the basis of Articles 2 to 8, it shall nevertheless have jurisdiction if:

 - a. the matter concerns a legal relationship which is at the parties' discretion and the defendant or interested party has appeared in the proceedings not exclusively or partly for the purpose of challenging the jurisdiction of the Dutch court, unless there is no reasonable interest in the jurisdiction of the Dutch court,*
 - b. legal proceedings outside the Netherlands prove impossible, or*
 - c. a case that must be brought by writ of summons has a sufficient connection with the legal sphere of the Netherlands and it would be unacceptable to require the claimant to submit the case to the judgement of a court in a foreign state.***
13. The writ of summons sets out, with reasons, that the defendants in the main action play a significant role in the 'Covid-19: The Great Reset' project and that this project is being carried out in the Netherlands. Part of this project involves the dangerous Covid-19 injections and the unlawful deception surrounding them, which, as set out in the writ of summons, are facilitated by Gates. Consequently, this case is directly linked to the Dutch legal sphere.

14. In view of the foregoing, the Dutch court has exclusive international jurisdiction, and it is unacceptable to require the claimants in the main proceedings to submit their case to the judgement of a court in a foreign state.
15. As regards the national jurisdiction of the District Court of Leeuwarden, in view of the arguments set out in the writ of summons and this submission, considerations of efficiency justify a joint hearing. After all, there is such a connection between the claims against the various defendants.

CONCLUSION IN THE INTERLOCUTORY PROCEEDINGS

May this Court be pleased to dismiss Gates' claims by judgment as unfounded and/or unproven, and to order Gates to pay the costs of these proceedings, including subsequent costs, with the order being enforceable immediately.



A.G.W. van Kessel, LL.B., and P.W.H. Stassen, LL.B.,
litigation solicitors