

judgement

NORTHERN NETHERLANDS DISTRICT COURT

Civil law

Place of hearing: Leeuwarden

Case number:

C/17/190788 / HA ZA 23-172

Judgment of 16 October 2024

in the case of

1. [REDACTED],
residing in Sneek,
2. [REDACTED],
residing in Sneek,
3. [REDACTED],
residing in Sneek,
4. [REDACTED],
residing in Doetinchem,
hereinafter referred to as: [REDACTED],
5. [REDACTED],
residing in Doetinchem,
6. the late [REDACTED],
last residing in Zaandam,
7. [REDACTED],
residing in Leeuwarden,
claimants in the main proceedings,
defendants in the interlocutory proceedings,
solicitors: Mr A.G.W. van Kessel and Mr P.W.H.
Stassen,

against

1. EVERHARDUS ITE HOFSTRA,
hereinafter referred to as: Hofstra,
2. JAAP TAMINO VAN DISSEL,
3. MARIA PETRONELLA GERARDA KOOPMANS,
4. MARK RUTTE,
hereinafter referred to as: Rutte,
5. SIGRID AGNES MARIA KAAG,
6. HUGO MATTHEÛS DE JONGE,
hereinafter referred to as: De Jonge,
7. ERNST JOHAN KUIPERS,
8. DIEDERIK ANTONIUS MARIA PAULUS JOHANNES GOMMERS,
9. WOPKE BASTIAAN HOEKSTRA,
10. CORNELIA VAN NIEUWENHUIZEN,
14. FEIKE SIJBESMA,
all electing domicile in The Hague,



17. THE STATE OF THE NETHERLANDS,

with its seat in The Hague,
defendants in the main proceedings,
represented by: R.W. Veldhuis, LL.B., and M.E.A. Möhring, LL.B.,
11. ALBERT BOURLA,

residing at [REDACTED],
defendant in the main proceedings,
solicitors: Mr D. Roessing and Mr Bredenoord-Spoek,
12. GISELLE JACQUELINE MARIE-THÉRÈSE VAN CANN,
residing in the municipality of [REDACTED],
13. PAUL EDWIN JANSEN,

residing in the [REDACTED] municipality,
defendants in the main proceedings,
solicitors: Mr L. Broers and Mr R.H.W. Lamme,
16. AGNES CATHARINA VAN DER VOORT-KANT,
having elected domicile in Amsterdam,
defendant in the main proceedings,
lawyer: Mr A.H. Ekker,
15. WILLIAM HENRY BILL GATES III,

residing at [REDACTED],
defendant in the main action,
claimant in the interlocutory proceedings,
hereinafter **Gates**,
referred to as:
solicitor: Mr W. Heemskerk.

The claimants in the main action will hereinafter be referred to collectively as **[REDACTED]** et al.,
and the defendants in the main action will hereinafter be referred to collectively as Hofstra et al.
or the defendants.

1. The proceedings

1.1 The course of the proceedings is set out in:

- **the judgment in the interlocutory proceedings of 1 May 2024**
- the letter of 14 May 2024 containing requests from [REDACTED] et al.
- **the letter from the court dated 12 June 2024, in which the court responded to those requests**
- **the judgment on the application for rectification of 12 June 2024**
- the email of 2 September 2024 containing requests from [REDACTED] et al.
- **the letter from the court dated 10 September 2024, in which the court responded to those requests**
- the email containing a request from [REDACTED] et al. dated 11 September 2024
- **the letter from the court dated 12 September 2024, in which the court responded to that request**
- the oral hearing of 18 September 2024, for which the registrar took minutes
- **the written submission from Gates**
- the speaking notes submitted by c.s.
- the statement by **[REDACTED]**, read out at the hearing by her father.

1.2 Finally, judgment was delivered.

2. The facts

2.1. Gates is a wealthy American who has placed part of his assets in a foundation established under US law, known as the Bill & Melinda Gates Foundation. Gates is a co-trustee of this foundation. The foundation's objective is to combat poverty, disease and inequality worldwide.

2.2. The Bill & Melinda Gates Foundation is affiliated with 'Gavi, the Vaccine Alliance' (hereinafter: Gavi), an international partnership in the field of vaccination involving various public and private entities.

2.3. The Bill & Melinda Gates Foundation is also affiliated with the World Economic Forum (hereinafter: WEF), an international organisation whose statutory objective is to bring together 'leaders from business, governments, academia and society at large into a global community committed to improving the state of the world'. Professor K. Schwab (hereinafter: Schwab) is the founder and chairman of the WEF.

2.4. By letter dated 28 February 2020, the National Institute for Public Health and the Environment (hereinafter: RIVM) – insofar as relevant – informed the Ministry of Health, Welfare and Sport of the following:

On 24 January, an OMT [Outbreak Management Team; added by the court] was convened to discuss the outbreak of a new coronavirus – then known as 2019-nCoV – in Wuhan, China. The virus has since been named SARS-CoV-2, and the disease is known as COVID-19. On 30 January 2020, the WHO declared the COVID-19 outbreak a Public Health Emergency of International Concern.

2.5. Subsequently, in the course of 2020 and 2021, the Dutch government implemented various measures in the Netherlands which, according to the government, were intended to combat the coronavirus, including a requirement to wear face masks and a vaccination programme against COVID-19.

2.6. On 30 April 2020, a video message from Gates was published on YouTube entitled 'The race for a Covid-19 vaccine, explained'.

2.7. On 13 July 2020, a book entitled 'Covid-19: The Great Reset' was **published**, co-authored by Schwab and Mr T. Malleret.

2.8. In a letter dated 21 October 2020, Rutte was invited to the WEF's annual meeting in May 2021. The invitation states – insofar as is relevant – the following:

This Annual Meeting will be the first opportunity for leaders from government and business to come together again to design a common path to recovery and rebuild a more resilient, cohesive and sustainable society. Underpinning this will be the process of the Great Reset, an unprecedented mobilisation of actionable ideas from the Forum's action groups, platforms and other initiatives to shape the post-COVID-19 world

2.9. On 3 December 2020, Gates was interviewed on NBC News's 'Today' programme; the footage was subsequently posted on YouTube under the title 'It Looks Like Almost All The Vaccines Are Going To Succeed'.

2.10. In June 2021, Hofstra, as a prospective member of the OMT, completed a so-called Declaration of Interests. In it, he stated, amongst other things, that at that time he was working as a doctor in M+G Infectious Disease Control and a doctor in M+G Forensic Medicine at GGD Fryslân, and as chair of the Dutch Association for Infectious Disease Control (NVIB). In addition, according to him, he worked on an occasional basis as a consultant for 'Het Netwerkcentrum', where his duties consisted of writing scenarios for exercises relating to infectious diseases and supervising those exercises from a so-called response cell.

3. The dispute in the main proceedings

3.1. In the main proceedings, [REDACTED] et al. claim that the court should, by judgment:

- (1) declare that Hofstra et al., as a group and each individually, acted unlawfully towards [REDACTED] et al. by deliberately and unlawfully misleading them and thereby inducing them to receive Covid-19 injections which Hofstra et al. knew, or at least ought to have known, were not safe and effective;
- (2) order Hofstra et al., jointly and severally – such that payment by one shall discharge the others – to compensate [REDACTED] et al. for their damages, to be quantified in the statement of claim and settled in accordance with the law;
- (3) order Hofstra et al. to pay the costs of these proceedings pursuant to a costs order to be made by the court for that purpose, enforceable immediately.

3.2. [REDACTED] et al. have, in brief and in essence, based that claim on the following grounds. Hofstra et al. have implemented the 'Covid-19: The Great Reset Project'. This is a project aimed at the total reorganisation of societies in all member states of the United Nations (hereinafter: UN), as described by Schwab in his book *Covid-19: The Great Reset*. In this reorganisation, all factors determining human life are made subject to enforced change by the WEF and the UN. A characteristic feature of this political ideology is that this enforced and planned change is presented as justified by pretending that the world is beset by major crises that can only be resolved through tough, centralised global intervention. One of these alleged major crises concerns the Covid-19 pandemic. Hofstra et al. have acted unlawfully, both individually and as a group, towards [REDACTED] et al. by misleading them, in the context of the implementation of the Covid-19: The Great Reset Project, into receiving Covid-19 injections which Hofstra et al. knew, or at least ought to have known, were neither safe nor effective. These Covid-19 injections were never intended to protect [REDACTED] et al. against an alleged virus. As a result of these injections, [REDACTED] et al. have suffered mental and physical injury, according to [REDACTED] et al.

4. The dispute in the interlocutory proceedings

4.1. Gates claims that the court should, by judgment, to the extent possible enforceable provisionally: i. declare that it lacks jurisdiction in respect of Gates to hear the

claims of et al.;

- ii. order the defendants to pay the costs of these interim proceedings, on the understanding that statutory interest shall be payable on that order for costs from the fifteenth day following the date of the judgment to be delivered in this matter;
- iii. order [REDACTED] and others to pay the subsequent costs, estimated at €173.00 in accordance with the liquidation rate or, in the event of service of process, €271.00.

4.2. Gates has – in brief and in essence – based its claim on the following. According to the general rule of general international jurisdiction law, the court of the defendant's place of residence has jurisdiction to hear the dispute. As Gates is not resident in the Netherlands, the court cannot derive jurisdiction from this general rule. Furthermore, it has neither been argued nor has it become plausible that the requirements for the court's jurisdiction on the grounds set out in Article 6, preamble and under (e), of the Code of Civil Procedure (Rv), Article 7(1) Rv and Article 9, preamble and under (c), Rv – on which the plaintiffs have relied – have been met.

4.3. **The respondents** contest the incidental claim and move for its dismissal, with an order against Gates to pay the costs of these proceedings, including subsequent costs, to be declared enforceable provisionally.

4.4. The parties' arguments are discussed in more detail below, in so far as necessary.

5. The assessment in the interlocutory proceedings

Subject matter of the dispute and the general framework for assessment

5.1. The dispute in these interlocutory proceedings centres on the question of whether this court has jurisdiction to hear the claims brought by [REDACTED] et al. against Gates in the main proceedings. Gates is resident in the United States. There is no applicable treaty between the Netherlands and the United States containing rules on jurisdiction in civil and commercial matters such as those at issue here. The question of whether the Dutch court has jurisdiction over Gates must therefore be answered on the basis of general international law on jurisdiction, as set out, inter alia, in Articles 1–14 of the Code of Civil Procedure.

5.2. When enacting and subsequently amending Articles 1–14 of the Code of Civil Procedure, the Dutch legislature sought to align itself with, amongst other things, the predecessors of the current Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction, the recognition and enforcement of judgments in civil and commercial matters (recast) (hereinafter: the Brussels I-bis Regulation). When interpreting the common rules on international jurisdiction, reference must therefore, in principle, be made to the case-law of the CJEU concerning (the predecessors of) the Brussels I-bis Regulation. This is not the case if it is plausible that the Dutch legislature intended, when establishing a common rule, to deviate from the instruments of EU law or the CJEU's interpretation thereof.

5.3. It follows from the case-law of the CJEU that a court examining whether it has jurisdiction in the context of the application of (the predecessors of) the Brussels I-bis Regulation must not confine itself in that examination to the claimant's submissions, but must also take into account all the information available to it concerning the legal relationship actually existing between the parties and, where appropriate, the defendant's submissions. The examination of jurisdiction on the basis of EU law instruments must therefore not be conducted solely on the basis of the grounds for the claim chosen by the claimant. Legal certainty requires that the national court be able to rule easily on its own jurisdiction, without having to examine the merits of the case. If the defendant disputes the claimant's submissions, the court need not, in the context of determining its jurisdiction, afford an opportunity to adduce evidence relating to matters relevant to both the

jurisdiction as to the merits of the case, as this would prejudice the examination of the merits of the claims. It follows that, in answering this question, the court confines itself to a prima facie assessment¹. On the basis of the considerations set out in paragraph 5.2 above, this standard also applies where the Dutch court, in the context of applying the common rules on international jurisdiction, examines whether it has jurisdiction. After all, it is not plausible that the Dutch legislature intended to deviate on this point from the instruments of EU law or the CJEU's interpretation thereof².

Does the court have jurisdiction under Article 7(1) of the Code of Civil Procedure?

5.4. In addition to the main rule that the defendant is to be summoned before the courts of the country in which the defendant is domiciled, the Code of Civil Procedure sets out a number of other rules on jurisdiction which give rise to additional grounds for jurisdiction. The principle of legal certainty requires, amongst other things, that these rules on jurisdiction which deviate from the main rule be interpreted in such a way that a reasonably prudent defendant can reasonably foresee, on that basis, before which court other than that of the state of his domicile he might be summoned.

5.5. **The plaintiffs** have invoked several of these additional grounds of jurisdiction, including the ground of jurisdiction laid down in Article 7(1) of the Code of Civil Procedure. Gates has contested these grounds of jurisdiction, giving reasons for its objections.

5.6. Article 7(1) of the Code of Civil Procedure provides that if a Dutch court has jurisdiction over one of the defendants, it also has 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.

5.7. In the judgment referred to in footnote 2, the Supreme Court held that the first condition for the application of Article 7(1) of the Code of Civil Procedure is that the Dutch court must have jurisdiction over one of the other defendants (the so-called 'anchor defendant') on grounds other than those set out in Article 7(1) of the Code of Civil Procedure itself. If that condition is met, the second condition for the application of Article 7(1) of the Code of Civil Procedure is that the claims against the other defendant(s) must be sufficiently connected to the claims against the anchor defendant.

5.8. In interpreting Article 7(1) of the Dutch Code of Civil Procedure, it is important to note that this provision is based on (the predecessor of) Article 8, preamble and paragraph 1, of the Brussels I-bis Regulation. In determining whether the claims are related within the meaning of Article 7(1) of the Dutch Code of Civil Procedure, the case law of the Court of Justice of the European Union (CJEU) may be taken as a guide³. According to the case law of the CJEU, claims are related where (i) they are based on the same set of facts, and (ii) they are so closely linked in legal terms that the claimant cannot reasonably be expected to have the cases heard by different courts

¹ See CJEU 16 June 2016, ECLI:EU:C:2016:449 (Universal Music v Schilling), paragraphs 42–46, and CJEU 5 July 2018, ECLI:EU:C:2014:2319 (flyLAL-Lithuanian Airlines), para. 54.

² See Supreme Court 29 March 2019, ECLI:NL:HR:2019:443.

³ See Opinion of Advocate General Vlas before the Supreme Court, 24 June 2022, ECLI:NL:PHR:2021:1145, paragraph 2.39, and Amsterdam Court of Appeal, 13 August 2024; ECLI:NL:GHAMS:2024:2238.

hear⁴. If both conditions are met, it may be assumed that the joint hearing of the claims is justified on grounds of efficiency and that the requirement of foreseeability is satisfied. The CJEU stipulates, for the purposes of Article 8(1) of the Brussels I-bis Regulation, that there must be a risk of divergent outcomes in the resolution of the dispute, arising in the context of ‘the same situation, in fact and in law’⁵. When assessing whether this is the case, account must be taken of all the necessary elements of the case file. In this regard, the CJEU has set out a number of considerations which the court must take into account in its assessment. As regards the question of whether there is the same factual situation, it is important to determine whether the defendants have coordinated their conduct. As regards the question of whether, from a legal perspective, the same situation exists, the legal grounds for the claims brought constitute a relevant consideration⁶.

5.9. Pursuant to Article 2 and Article 99 of the Code of Civil Procedure, this court has both international and relative jurisdiction to hear the claims against Hofstra, as he resides within this court’s district. Hofstra can therefore be regarded as the anchor defendant within the meaning of Article 7(1) of the Code of Civil Procedure.

5.10. [REDACTED] et al. have based their claims against Hofstra et al., amongst other things, on the ground that Hofstra et al. acted unlawfully towards them as a group. As the court understands it, [REDACTED] et al. argue in this regard that Hofstra et al., and therefore Gates as well, form part of a global group of individuals, legal persons and other entities which, in the context of implementing a project called Covid 19: The Great Reset, misled people into receiving Covid-19 injections, whilst they knew, or at least ought to have known, that these injections were not safe and effective. From Gates’s written submission, the court infers that Gates also understood [REDACTED] et al.’s position in this way. The court understands that [REDACTED] et al. further argue in this context that Gates committed this deception internationally through two videos published on YouTube in April and December 2020, in which Gates is alleged to have misrepresented the necessity of the Covid-19 injections and the safety of those injections, respectively. In so far as [REDACTED] et al. intended to argue that, in addition, certain actions by the Bill and Melinda Gates Foundation should also be regarded as unlawful acts by Gates within this group context, the court disregards this in the context of this incident, as they have not substantiated this claim. According to [REDACTED] et al., certain other defendants who are part of the alleged group, including De Jonge and Rutte, committed acts of deception in the Netherlands and thereby misled them, inter alia by holding press conferences. Since it was foreseeable to Gates that the group’s actions created a risk of damage such as that suffered by [REDACTED] et al., he is, according to [REDACTED] et al., liable for that damage under Article 6:166 of the Civil Code (BW).

5.11. The court considers that it follows from this that the legal basis for the claims against Hofstra et al. is the same. It may be conceded to Gates that the specific unlawful acts of which he is accused differ from the specific unlawful acts of which Hofstra (and the other defendants) are accused. However, this does not alter the fact that [REDACTED] et al. allege that all those acts were carried out as part of a group and that they constitute a joint tort. When assessing this basis for the claims, the court in the main proceedings will first have to determine whether, as [REDACTED] et al. and Gates

⁴ See Opinion of Advocate General Trstenjak before the CJEU, 1 December 2011, ECLI:EU:C:2011:798 (Eva Maria Painer), paragraph 86
et seq.

⁵ See, inter alia, CJEU 13 July 2006, C-539/03, ECLI:EU:C:2006:458 (Roche v Primus).

⁶ See CJEU 1 December 2011, ECLI:EU:C:2011:798 (Eva Maria Painer).

It is disputed that there exists a global group of individuals, legal persons and other entities which, in the context of the implementation of a project called 'Covid-19: The Great Reset', misled people into receiving Covid-19 injections, knowing – or at least ought to have known – that these injections were not safe and effective. There is a risk that separate proceedings concerning the claims against Hofstra et al. will lead to incompatible judgements regarding this set of facts, which is the same for all defendants and forms the basis for the alleged liability of Hofstra et al. on the grounds of joint and several tortious liability. Consequently, in view of the aforementioned framework for assessment, the required connection, as referred to in Article 7(1) of the Code of Civil Procedure, between the claims against Gates and the claims against the lead defendant Hofstra is established.

5.12. Gates has contested the arguments put forward by [REDACTED] et al. in the context of this interlocutory application in general terms and has argued that there is no sound and logical substantiation of the arguments put forward by [REDACTED] et al. This general challenge has not been substantiated in any further detail and is insufficient to allow a finding that the arguments put forward by [REDACTED] et al. are so unfounded that they cannot satisfy the (limited) test referred to in paragraph 5.3 above in the context of this incident concerning jurisdiction.

5.13. In view of the foregoing, this court has international jurisdiction under Article 7(1) of the Code of Civil Procedure to hear the claims against Gates. This means that the reliance placed by [REDACTED] et al. on Article 6, preamble and under (e), and Article 9, preamble and under (c), of the Code of Civil Procedure, and the arguments put forward by the parties in this regard, need no longer be considered.

Does this court have relative jurisdiction to hear the claim against Gates?

5.14. In so far as Gates has also contested the relative jurisdiction of this court in the context of this interlocutory application, the court considers that it has relative jurisdiction pursuant to Article 107 of the Code of Civil Procedure in conjunction with Article 99 of the Code of Civil Procedure. Article 107 of the Code of Civil Procedure provides that, if a court has jurisdiction in respect of one of the defendants jointly involved in the proceedings, that court also has jurisdiction in respect of the other defendants, provided that there is such a connection between the claims against the respective defendants that considerations of efficiency justify their joint hearing. As considered above, the District Court has relative jurisdiction to hear the claims against Hofstra. The connection assumed above in the context of Article 7(1) of the Code of Civil Procedure also applies to the relative jurisdiction referred to in Article 107 of the Code of Civil Procedure.

Conclusion and costs

5.15. In view of the considerations set out above, Gates's claim will be dismissed. Gates, as the unsuccessful party, shall be ordered to pay the costs of the proceedings (including subsequent costs). The costs of the defendants are estimated at:

- solicitor's fees	€	1,228.00 (2 points × €614.00)
- incidental costs	€	178.00 (plus the increase as
		as stated in the decision)
Total	€	1,406.00

6. The assessment in the main proceedings

6.1. The court will place the case on the list for Gates to file a statement of defence.

7. The decision

The court

in the interlocutory proceedings

7.1. dismisses Gates' claim,

7.2. orders Gates to pay the costs of the proceedings amounting to €1,406.00, payable within fourteen days of being notified to do so, plus €92.00 and the costs of service if Gates fails to comply with the order for costs in time and the judgment is subsequently served,

7.3. declares this judgment **enforceable provisionally in respect of the order for costs,**

in the main proceedings

7.4. orders that the case shall be remanded to the roll of 27 November 2024 for Gates to file its statement of defence.

This judgment was delivered by Mr T.P. Hoekstra and pronounced in open court on 16 October 2024.

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For the record/certified true copy



16 OCT. 2024

The
Registrar.

