UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: APPLICATION OF YULIA GURYEVA-MOTLOKHOV FOR AN ORDER SEEKING DISCOVERY PURSUANT TO 28 U.S.C. § 1782	Case No. 1:25-mc-00098

MEMORANDUM OF LAW IN SUPPORT OF AMENDED *EX PARTE* APPLICATION FOR AN ORDER UNDER 28 U.S.C. § 1782 TO CONDUCT DISCOVERY FOR USE IN FOREIGN PROCEEDINGS

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PRELIMINARY STATEMENT

In 2022, the *Alfa Nero* docked in Antigua for what should have been a routine stop. It never left. Instead, Antiguan authorities detained the yacht, held it for months under the pretext that it was "abandoned," and then sold it in a secret transaction at a fraction of its value. Yulia Guryeva-Motlokhov ("Guryeva-Motlokhov"), the beneficiary of the trust that owns the yacht, has pursued lawful avenues for redress—litigation in Antigua, civil actions in Russia, and a preliminary criminal investigation in the United Arab Emirates—while retaining investigators to uncover what really happened behind closed doors. The Antiguan government declined to disclose the identity of the buyer, and investigators later learned the yacht was sold far below market value.

Guryeva-Motlokhov previously sought discovery from this Court under 28 U.S.C. § 1782 (the "Original Application") from two U.S.-based wire-transfer clearinghouses, for use in foreign proceedings relating to the *Alfa Nero*'s misappropriation. Since then, major developments have significantly strengthened the case for discovery. First, Prime Minister Gaston Browne ("Browne") himself has brought the truth regarding the *Alfa Nero* sale to the forefront by suing Guryeva-Motlokhov's counsel[1] for defamation in Antigua (the "Antigua Defamation Action"). Browne disputes the statements made by Guryeva-Motlokhov's counsel suggesting that he sold the yacht at a below-market price and improperly diverted sale proceeds. By challenging those assertions in a defamation action, Browne has placed the financial records concerning the sale and flow of funds—precisely the evidence Applicants seek here—at issue in a foreign proceeding.

[1] In the interest of judicial economy and given the substantial factual overlap between this Amended Application and the Antigua Defamation Action, the BSF Respondents (defined below) join Guryeva-Motlokhov—solely for purposes of their defense in the Antigua Defamation Action—in requesting the discovery sought herein (collectively, the "Applicants").

Second, through further private investigation, and because of a successful Section 1782 application in the Southern District of Florida, Guryeva-Motlokhov uncovered evidence that Browne personally negotiated a US $6 million kickback—disguised as a "consulting fee"—in exchange for selling the *Alfa Nero* at a steeply discounted price. And she discovered that yacht brokers contemplated listing and selling the vessel months before the Antiguan government formally seized it or enacted the law later used to justify the seizure. Following the law's passage, those brokers circulated purchase offers to members of Browne's inner circle and proposed an agreement designed to make the transaction appear legitimate, while Antiguan officials sought to obscure commission arrangements. Internally, the same brokers recognized how far the deal departed from normal market practice, describing the final price for the *Alfa Nero* sale as "One hell of a deal. Best deal of the century. Ridiculous." The Antiguan government's own survey valued the *Alfa Nero* between approximately US $60 million and US $105 million and found her "safe and seaworthy," underscoring that the US $40 million price conflicted with even the government's own valuation.

Applicants therefore respectfully file this amended *ex parte* application (the "Amended Application") for judicial assistance under 28 U.S.C. § 1782(a) ("Section 1782") and Rules 26 and 45 of the Federal Rules of Civil Procedure. The requested discovery is expected to be used in two ongoing civil proceedings in Antigua and Barbuda (the "Foreign Proceedings"). This Amended Application should be granted because the statutory requirements of Section 1782 are satisfied: (1) Applicants seek discovery from subjects which are found in this district; (2) the discovery that Applicants seek is for use in appropriate foreign proceedings; and (3) Applicants are interested persons in the foreign proceedings. Additionally, the discretionary factors that this Court must

consider in determining whether to grant an application under *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) each also favor granting this application.

BACKGROUND[2]

I. Procedural History

On March 3, 2025, Guryeva-Motlokhov filed the Original Application in this Court under Section 1782 and Federal Rules of Civil Procedure 26 and 45 seeking discovery from two U.S.-based wire-transfer clearinghouses for use in multiple civil proceedings (the "Original Foreign Proceedings").[3] ECF No. 2. Guryeva-Motlokhov sought information concerning wire transfers dating to 2019 that reference Prime Minister Browne and several associated individuals and entities. On March 17, 2025, the Court granted the Original Application on an *ex parte* basis. ECF No. 14. Some of those referenced in the subpoenas intervened and moved to quash the subpoenas and vacate the order. ECF Nos. 21, 30. The Court subsequently granted those motions, ECF No. 48, and the Second Circuit affirmed. *In re: Application of Yulia Guryeva-Motlokhov for an Order Seeking Discovery Pursuant to 28 U.S.C. § 1782*, No. 25-1626-cv, 2026 WL 861084, at *2-3 (2d Cir. Mar. 30, 2026).

Although the Court recognized that Guryeva-Motlokhov made "forceful arguments with respect to the *Intel* factors," it ultimately concluded that the Original Application failed to satisfy Section 1782's "for use" requirement. ECF No. 48 at 4 (citing *Kiobel by Samkalden v. Cravath, Swaine & Moore LLP*, 895 F.3d 238, 243 (2d Cir. 2018)). As relevant here, the Court held Guryeva-Motlokhov had not shown that the requested discovery was "for use" in the Original

[2] Applicant assumes the Court is familiar with the factual background set forth in the prior applications and decisions and summarizes only those facts necessary to contextualize recent developments.
[3] Guryeva-Motlokhov is not seeking discovery for use in the proceedings in Russia or the UAE at this time. However, Guryeva-Motlokhov may seek discovery for use in those proceedings in the future if circumstances change.

Antiguan Proceeding because the trial had already concluded and Guryeva-Motlokhov did not identify a concrete mechanism by which the evidence could be introduced in the Antiguan court, on appeal, or in enforcement proceedings. *Id.* at 5–6.

At the same time, Guryeva-Motlokhov filed a similar application in the U.S. District Court for the Southern District of Florida seeking discovery for use in the same foreign proceedings, and the court granted the request. *In re Gaston Browne*, No. 1:25-mc-21129-MOORE/Elfenbein, 2025 WL 1984291, at *1 (S.D. Fla. July 17, 2025). Guryeva-Motlokhov has obtained substantial documentary evidence pursuant to the Florida court's order, and that evidence bears directly on the facts underlying the Foreign Proceedings and forms a significant part of the record supporting this Amended Application.

Following the production obtained in Florida, Guryeva-Motlokhov sought to introduce that evidence in the court overseeing the Original Antiguan Proceeding—the Eastern Caribbean Supreme Court, High Court of Justice (the "High Court"). Declaration of Matthew Getz ("Getz Decl.") ¶¶ 5, 7–8. Guryeva-Motlokhov filed an application before the High Court seeking leave to adduce fresh evidence. *Id.* ¶¶ 7–8. The High Court heard that application on March 30, 2026, and reserved judgment.[4] *Id.* The High Court has since indicated it expects to issue a decision on the application to introduce new evidence on May 15, 2026. *Id.* ¶ 7.

II. Events Since the Prior Briefings

For the Court's convenience, Guryeva-Motlokhov does not restate the full background of the Original Application here, incorporating by reference the factual allegations of the Original Application, and instead addressing only facts relevant to the Amended Application. There are,

[4] Counsel for certain parties who were unable to attend the March 30, 2026 hearing were subsequently heard on April 20, 2026. Getz Decl. ¶ 7.

however, two recent developments that occurred after the filing of the Original Application, which are relevant here and detailed below.

A. Browne Filed a Defamation Action Against Applicant's Counsel in Antigua and Barbuda

First, on February 13, 2026, Prime Minister Gaston Browne commenced a defamation action in the High Court against Guryeva-Motlokhov's lead counsel, Martin De Luca ("De Luca"), and his law firm, Boies Schiller Flexner LLP (together, the "BSF Respondents"). Declaration of Frank E. Walwyn ("Walwyn Decl.") ¶ 5. The action arises from public statements De Luca made concerning the seizure, valuation, sale, and proceeds of the superyacht.[5] *Id.* ¶¶ 7–9. Browne initially threatened publicly to file a defamation lawsuit against the BSF Respondents in the United States but ultimately settled for filing in Antigua.[6] This is not the first time Browne has threatened or pursued defamation claims against opponents in response to public criticism.[7]

Browne alleges that De Luca falsely implied that the yacht was sold at a significantly undervalued price and that millions of dollars from the sale were unaccounted for or were improperly diverted. *Id.* ¶¶ 7–8. Browne denies any financial impropriety and asserts that the sale was lawful, conducted at fair value, and that all proceeds are accounted for. *Id.* ¶¶ 8–9. The truth or falsity of the statements at issue therefore turns on objective financial evidence concerning the

[5] While the case is at an early stage, the BSF Respondents have retained counsel, have begun formulating their legal strategy, and plan to defend the action.

[6] *See* Jennelsa Johnson, *PM Browne says legal action imminent against US law firm Boies Schiller Flexner over yacht sale accusation*, THE ANTIGUA OBSERVER (Nov. 27, 2025), https://antiguaobserver.com/pm-browne-says-legal-action-imminent-against-us-law-firm-boies-schiller-flexner-over-yacht-sale-accusation/.

[7] *See, e.g.*, Robert Emmanuel, *Quinn-Williams says placard referenced the ruling administration so PM's defamation threat is meritless*, THE ANTIGUA OBSERVER (Jan. 8, 2024), https://antiguaobserver.com/quinn-williams-says-placard-referenced-the-ruling-administration-so-pms-defamation-threat-is-meritless/ ("Prime Minister Browne has long used the court system and the threat of defamation lawsuits against opposition members over what he alleged were lies and disinformation being spread against him.").

sale price, the flow of proceeds, and the recipients of funds arising from the sale of the *Alfa Nero*. *See id.* ¶¶ 7–9, 20.

B. Newly Uncovered Evidence

Second, evidence uncovered since the prior briefings—including witness accounts and document productions obtained in the Southern District of Florida—suggest that Browne was personally involved in and financially benefitted from the sale of the *Alfa Nero*. A former senior Antiguan official who served directly under Browne told Guryeva-Motlokhov's counsel, based on personal knowledge, that Browne solicited and received a US $6 million payment in exchange for approving a sale price far below the vessel's fair market value. Declaration of Scott Curtis Nielson ("Nielson Decl.") ¶¶ 8–11. According to that witness, the payment was routed through an Antiguan attorney known to act as one of Browne's personal lawyers and disguised as "consulting fees." *Id.* ¶¶ 10–11.

Documents produced through discovery suggest that the sale was planned in advance of the formal seizure and carefully staged to appear legitimate. *See id.* ¶¶ 7–12. Months before the Antiguan government formally seized the yacht—or even enacted the statute later cited as the basis for seizure—a Northrop & Johnson Yachts-Ships LLC ("Northrop") broker emailed himself a sales brochure of the *Alfa Nero*. *Id.* ¶ 12(b), Exs. 2–3. Within days of the law's passage, that same broker sent a €55 million purchase offer to two members of Browne's inner circle—Johann Hesse ("Hesse"), at the time Antigua's Ambassador to the African Union and Browne's "right hand," and developer Rufus Gobat ("Gobat"). *Id.* ¶ 12(c), (e), Ex. 4. Soon after, the broker sent Hesse a proposed agreement to sell the yacht on behalf of the Antiguan government, noting that Northrop's involvement would help make the transaction appear legitimate. *See id.* ¶ 12(f), Ex. 7 (email stating that partnering with "a major brokerage firm like Northrop" would "give comfort to all clients and

brokers around the world"); *see also* Ex. 8. Northrop agents discussed edits to the proposed agreement to avoid any suggestion that Antigua was paying commissions, relaying that Antiguan officials did not want language "explicitly stat[ing] '[t]he Government is paying a commission,'" an issue the agents described as "semantics but seemingly important to them." *Id.* ¶ 12(n), Ex. 15. The Antiguan Ambassador to the United States separately urged Northrop to issue a public statement highlighting its involvement in the sale. *Id.* ¶ 12(d), Ex. 5 (email from Sir Ronald Sanders to Northrop and others indicating that it "would be advantageous" if Northrop "would issue a public statement setting out its involvement in the sale").

Northrop ultimately paid Hesse and Gobat "introducer" fees to the tune of a half-million U.S. dollars. *Id.* ¶¶ 7(a), 12(g), 13, Ex. 9 (email from Higgins to Hesse and Gobat, dated July 8, 2024, asking their bank details for the transfer of introducer fees). Once those payments became public, Hesse was dismissed from his ambassadorial post. *Id.* ¶ 13. That response echoes allegations reported during the Odebrecht scandal, where a witness account credited in the U.S. Department of Justice's filings described a €3 million bribe paid to Browne. *See id.* ¶ 16, Ex. 19. Browne responded to those allegations by vigorously asserting his innocence and firing the Antiguan ambassador he had designated to negotiate the bribe. *See id.*

The transaction itself contained additional irregularities. The *Alfa Nero* was purchased by YM Thunder I Shipping Limited, *id.* ¶ 12(m), an entity owned by Turkish billionaire Ali Riza Yildirim ("Yildirim"). The sale agreement included Antiguan citizenship as a benefit for Yildirim, his wife Sevim Buse Yildirim, and his son Tarik Bugra Yildirim. *Id.* ¶ 12(i), Ex. 10 (Sale and Purchase Agreement for the *Alfa Nero*, dated July 3, 2024), ¶ 26(f). Media reports noted that

conferral of Antiguan citizenship is "certainly an unusual perk for buying a superyacht."[8]

Additionally, an Antiguan government commissioned valuation prepared for the sale of the *Alfa Nero* shows that the vessel was worth far more than the US $40 million price ultimately approved by Browne, confirming that the parties involved understood the sale price did not reflect the market value. *See id.* ¶ 12(j), Ex. 11 (Tsunami Marine Valuation Report, dated March 29, 2023 and titled "Alpha Nero [sic] Condition and Valuation Survey Report."). The Antigua and Barbuda Maritime Administration retained a surveyor "to inspect and assess the value of [the *Alfa Nero*] . . . for the purpose [of] legal proceedings to transact [its] sale." *Id.* at 3. The survey concluded that the *Alfa Nero* was "in laid up status but in safe and seaworthy condition," *id.* at 21, directly contradicting the Antiguan government's claim that the yacht's sale price was depressed because it was in a dangerous state. Even accounting for the yacht's laid-up status, the Antiguan government survey assessed the *Alfa Nero*'s forced sale or orderly liquidation value as between US $60 million and US $105 million, with the latter reflecting expected value unlocked upon return to commercial service. *See id.* The approved US $40 million sale price therefore reflected a steep discount from Antigua's own assessment.

Internal communications among the brokers underscores that the parties understood the price did not reflect market value. For example, in June 2024, a Northrop broker emailed the valuation to in-house counsel for the Yildirim Group. *Id.* ¶ 12(e), (k), Ex. 6, 12. Despite acknowledging the valuation, the broker described a purchase price in the US $48–50 million range as an "extremely good deal" and a "[o]nce in a lifetime scenario" from "which the owner can make

[8] Neha Tandon Sharma, *The Tiny Nation of Antigua Was So Relieved to Finally Sell the Abandoned Alfa Nero Superyacht, Whose Maintenance Had Been Draining its Finances, that the Caribbean Nation Offered Citizenship as a Thank-You Gift to the Turkish Billionaire Buyer and His Entire Family*, Luxurylaunches (Apr. 15, 2025), https://luxurylaunches.com/transport/antigua-is-offering-citizenship-to-alfa-nero-buyers-04152025.php.

a small fortune selling on at a later stage in life." *Id.* In another email, Northrop representatives internally described the absurdly low sale price as "One hell of a deal. Best deal of the century. Ridiculous." *Id.* ¶ 12(k), Ex. 13.

Together, this evidence, corroborated by a witness account of a former Antiguan official, supports the conclusion that Prime Minister Browne used his control over the Antiguan government to drive the *Alfa Nero*'s sales price far below market value in exchange for a kickback.

III. Applicants Seek Discovery for Use in Two Antiguan Proceedings

A. The Antigua Defamation Action

As discussed above, Browne filed the Antigua Defamation Action against the BSF Respondents earlier this year. Walwyn Decl. ¶ 5. Antiguan law recognizes several defenses to defamation, including truth of the statements made, fair comment, and qualified privilege. *Id.* ¶ 19. The BSF Respondents intend to utilize discovery obtained through this Amended Application in the Antigua Defamation Action, including in support of a defense based on the truth of the challenged statements. *Id.* The requested discovery goes directly to the core disputes in the Antigua Defamation Action—including how the *Alfa Nero* was seized and sold, its true market value, whether it was sold at a substantial discount, Browne's involvement in the transaction and receipt of any benefits associated with it, and what happened to the sale proceeds. *Id.* ¶ 20.

The High Court exercises broad discretion over the admissibility and use of evidence. *Id.* ¶ 13. Antiguan law provides mechanisms for admitting evidence obtained in foreign proceedings, as further explained by the BSF Respondents' counsel in the accompanying declaration. *Id.* ¶¶ 12–14. The BSF Respondents therefore reasonably anticipate that discovery obtained here will be introduced in the Antigua Defamation Action. *See id.* ¶ 15.

B. The Original Antiguan Proceeding

In June 2023, Guryeva-Motlokhov initiated proceedings in the High Court against certain officers of the Government of Antigua and Barbuda, challenging the seizure and intended sale of the *Alfa Nero* as violations to her constitutional rights. ECF No. 6 ¶¶ 5, 8. Despite the conclusion of trial over 15 months ago (in November 2024), the High Court has not yet issued judgment. Getz Decl. ¶¶ 7–8. Instead, it remains held pending the High Court's determination of Guryeva-Motlokhov's application to adduce fresh evidence obtained pursuant to the Southern District of Florida's order in the Original Antiguan Proceeding. *Id.* The High Court heard arguments for that application on March 30, 2026 and April 20, 2026, and is set to issue a decision on the application on May 15, 2026. *Id.* Guryeva-Motlokhov is not limited to that motion and would likewise be permitted to seek admission of evidence obtained through this Amended Application. *Id.* ¶ 9.

The requested discovery consists of critical financial records pertaining to the 2024 sale of the vessel and disposition of the proceeds—evidence central to the claims at issue. *Id.* ¶¶ 17–18. Those records will shed light on how the sale was conducted, identify the government officials who benefitted from the transaction, and reveal any associated kickbacks or illicit payments made in connection with the seizure and sale of the *Alfa Nero*. *Id.* As further explained by Guryeva-Motlokhov's counsel in the accompanying declaration, this evidence directly supports her claims that Browne and the Antiguan government's objective in seizing and selling the *Alfa Nero* was to enrich themselves. *Id.* The financial records will likely reveal a paper trail of illicit payments and identify the individuals who acted on Browne's behalf. *Id.* ¶ 17.

Under Antiguan law and procedure, any evidence obtained through this Amended Application may be used both before or after judgment. *Id.* ¶ 9. Guryeva-Motlokhov intends to

seek admission of any newly obtained evidence prior to judgment and, if necessary, would also rely on that evidence in any appeal from an adverse decision. *See id.* ¶¶ 15–16.

IV. Applicants Seek Financial Records from the Discovery Subjects

Applicants seek to obtain discovery from The Clearing House Payments Company L.L.C. ("CHIPS") and The Federal Reserve Bank of New York ("Fed-NY," and collectively with CHIPS, the "Discovery Subjects").[9] As further explained below, the Amended Application seeks a more narrowly tailored subset of financial records from the Discovery Subjects than the Original Application.

ARGUMENT

I. The Amended Application Meets Each of the Statutory Requirements

Section 1782 allows federal district courts to authorize litigants to obtain evidence for use in foreign proceedings and provides that:

> The district court of the district in which a person resides or is found may order him to give his testimony or statement or to produce a document or other thing for use in a proceeding in a foreign or international tribunal . . . . The order may be made pursuant to a letter rogatory issued, or request made, by a foreign or international tribunal or upon the application of any interested person and may direct that the testimony or statement be given, or the document or other thing be produced, before a person appointed by the court.

28 U.S.C § 1782. Accordingly, an applicant seeking discovery under Section 1782 must show that: (1) the party from whom the discovery is sought resides or is found in the district where the

[9] Applicants seek U.S.-dollar wire transfers referencing Prime Minister Browne and several associated individuals and entities discussed at length in the Original Application. ECF No. 2 at 17–37; *see also* ECF No. 41 at 1–2, 16–17. In addition, through this Amended Application, Applicants seek discovery concerning the Caribbean Development Bank, as the Antiguan government has publicly reported that approximately US $5.5 million of the proceeds from the sale of the *Alfa Nero* was used to repay a loan to the Caribbean Development Bank. Elesha George, ISLAND PRESS BOX, *Government Discloses Alfa Nero Sale Proceeds Following Questions Raised by AP Article* (Mar. 15, 2025), https://islandpressbox.com/government-discloses-alfa-nero-sale-proceeds-following-questions-raised-by-ap-article/. Applicants also seek discovery concerning Warren E. Halle, who participated as a bidder in the Antiguan government's first attempted sale of the *Alfa Nero* in 2023 and sued individuals and entities of the Government of Antigua and Barbuda for US $5.6 million in fees and costs incurred with the failed sale. Nielson Decl. ¶ 17, Ex. 20.

application is made; (2) the discovery is intended "for use" in a foreign proceeding; and (3) the application is made by an "interested person" in the foreign proceeding. *See id.* This Amended Application meets all the statutory requirements.

A. The Discovery Subjects Reside or Are Found in the District

Applicants seek discovery from the same Discovery Subjects as in the Original Application. *See* ECF No. 2 at 39. In considering the Original Application, this Court found that Guryeva-Motlokhov met this statutory requirement. *See* ECF No. 14 at 1 (granting Guryeva-Motlokhov's *ex parte* application upon a finding that all statutory requirements are met and the *Intel* factors weighed in Guryeva-Motlokhov's favor); ECF No. 48 at 4, 9 (granting Respondent's motions to quash the subpoenas on the basis that Guryeva-Motlokhov did not establish that the discovery was "for use" in a foreign proceeding); *In re: Application of Yulia Guryeva-Motlokhov For An Order Seeking Discovery Pursuant to 28 U.S.C. § 1782*, No. 25-1626-cv, 2026 WL 861084, at *2–3 (2d Cir. Mar. 30, 2026) (analyzing only whether plaintiff met the statutory "for use" requirement and whether the District Court properly quashed the subpoenas). Therefore, this statutory requirement is met and this Court need not re-analyze this element. *In re Pishevar*, 1:19-MC-00503 (JGK) (SDA), 2020 WL 8299764, at *3 (S.D.N.Y. Oct. 3, 2020) (adopting analysis in its prior Opinion and Order for the mandatory criteria of Section 1782 and *Intel* factors that were not at issue in petitioner's renewed application); *In re Application of Chevron Corp.*, 736 F. Supp. 2d 773, 780 (S.D.N.Y. 2010) (noting that "[t]he statutory factors all are satisfied with respect to the present application for the same reasons set out in *Chevron I*, and there is no need to repeat that analysis. So too the first three discretionary factors[]" before turning to analyzing the last discretionary factor at issue in the renewed application).

B. The Applicants Are Interested Persons

An "interested person" is "intended to include not only litigants before foreign or international tribunals, but also foreign and international officials as well as any other person whether he be designated by foreign law or international convention or merely possess a reasonable interest in obtaining the assistance." *Intel Corp. v. Advanced Micro Devices*, 542 U.S. 241, 257 (2004) (cleaned up). An applicant that has a "significant role" in the proceedings "possess[es] a reasonable interest in obtaining [judicial] assistance," and "therefore qualifies as an 'interested person.'" *Intel*, 542 U.S. at 256. Meaningful participation rights include the right to "submit information," challenge a decision to "discontinue the investigation," and challenge any decision to "dismiss the complaint." *Id.* (cleaned up).

Guryeva-Motlokhov remains a litigant in the Original Antiguan Proceeding. Moreover, neither this Court nor the Second Circuit ruled against Guryeva-Motlokhov on this factor. *See* ECF No. 14 at 1 (granting Guryeva-Motlokhov's *ex parte* application upon a finding that all statutory requirements are met and the *Intel* factors weighed in Guryeva-Motlokhov's favor); ECF No. 48 at 4, 9 (finding Guryeva-Motlokhov did not establish the "for use" statutory requirement); *In re: Application of Yulia Guryeva-Motlokhov For An Order Seeking Discovery Pursuant to 28 U.S.C. § 1782*, No. 25-1626-cv, 2026 WL 861084, at *2 (finding only that Guryeva-Motlokhov's Section 1782 request did not satisfy the "for use" requirement). Because Guryeva-Motlokhov still qualifies as an interested person, this Court need not reconduct an analysis as to this statutory requirement. *Intel*, 542 U.S. at 256 (holding that litigants are "interested persons"); *In re Pishevar*, 1:19-MC-00503 (JGK) (SDA), 2020 WL 8299764, at *3 (finding it unnecessary to conduct a re-analysis of Section 1782's statutory requirements that were not at issue on renewed application); *In re Application of Chevron Corp.*, 736 F. Supp. 2d at 780 (same).

Likewise, the BSF Respondents are defendants in the Antigua Defamation Action arising from statements concerning the seizure and sale of the *Alfa Nero*. Walwyn Decl. ¶¶ 5, 7–9. As defendants in that action, the BSF Respondents have a direct and concrete interest in obtaining evidence for use before a foreign tribunal, including evidence bearing on the truth of the challenged statements. *Intel*, 542 U.S. at 256 (noting that there is "[n]o doubt litigants are included among, and may be the most common example of, the 'interested person[s]' who may invoke § 1782."); *In re Atvos Agroindustrial Investimentos S.A.*, 481 F. Supp. 3d 166, 176 (S.D.N.Y. 2020) ("In any event, since Applicant is a litigant in the [foreign proceeding], it plainly is an interested person.").

Therefore, Applicants have satisfied this statutory requirement.

C. Discovery is "For Use" in the Foreign Proceedings

The next statutory requirement is that "the discovery must be for use in a foreign proceeding before a foreign tribunal." *Certain Funds, Accts. and/or Inv. Vehicles v. KPMG, L.L.P.*, 798 F.3d 113, 117 (2d Cir. 2015) (internal quotation marks omitted). "The term for use is afforded a broad interpretation, and the sought-after evidence need not be admissible or even discoverable under the rules of the foreign jurisdiction." *In re B&C KB Holding GmbH*, No. 22-MC-00180 (LAK) (VF), 2023 WL 1777326, at *3 (S.D.N.Y. Feb. 6, 2023) (cleaned up). The term "tribunal" includes courts and investigative bodies. *Intel*, 542 U.S. at 249. Moreover, a foreign proceeding need not be "pending" or "imminent," but only "within reasonable contemplation." *Id.* at 259.

Circumstances have materially changed since this Court considered Guryeva-Motlokhov's previous request for discovery under Section 1782. Procedural developments in the Original Antiguan Proceedings confirm that a practical mechanism exists by which to "inject" the requested discovery. *See* Getz Decl. ¶¶ 7–8 (explaining that no judgment has issued following trial and that Guryeva-Motlokhov has sought, and the High Court is considering, the admission of fresh

evidence); *id.* ¶¶ 9–15 (describing the mechanisms that exist under Antiguan law and procedure). Additionally—and dispositively—Prime Minister Browne has sued Guryeva-Motlokhov's counsel for defamation, placing into controversy (as a defense to defamation) the truth of all matters asserted in Guryeva-Motlokhov's previous court filings. Walwyn Decl. ¶¶ 5, 7–9, 19–20. Discovery may be deployed in that proceeding, making the entire scope of the discovery Applicants here seek "for use" in a foreign proceeding or tribunal. *Id.* ¶¶ 13–15.

The Antigua Defamation Action is pending before the High Court, which is a qualifying foreign tribunal. *See, e.g.*, *In re H.M.B. Ltd.*, 2018 WL 4778459, at *1–2 (S.D. Fla. July 2, 2018), *R&R adopted*, 2018 WL 4776382 (S.D. Fla. Aug. 24, 2018) (allowing discovery in an Antiguan proceeding). The High Court "has broad powers to control the use of evidence in proceedings" and "has recognized that evidence obtained abroad, including through applications under 28 U.S.C. § 1782, may be relied on in proceedings in that Court." Walwyn Decl. ¶¶ 13–14. Further, "evidence or records of proceedings before a foreign court can be admitted in the [High] Court, including pursuant to section 29 of Antigua and Barbuda's *Evidence (Special Provisions) Act, 2009*." *Id.* ¶ 14.

In the Antigua Defamation Action, Browne alleges that statements concerning the seizure and sale of the *Alfa Nero* were false, and the BSF Respondents intend to provide discovery obtained through this Amended Application for use in that action, including to support a defense of truth. *See id.* ¶¶ 7–11.

Browne's claim is premised on a handful of allegedly defamatory public statements made by De Luca, including: (1) "The disappearance of millions from the sale of the *Alfa Nero* is just the beginning;" (2) "This isn't about politics. It's about following the money. Browne's personal attacks won't change the fact that real financial records—not his statements—will expose what

happened to the *Alfa Nero* proceeds;" (3) "Antiguan Prime Minister [Browne] gov't seized a $120M yacht, called it 'abandoned' & sold it for pennies. Millions vanished. Now, we seek to uncover the financial web behind this scandal & Browne's ties to foreign interests hostile to the U.S.;" and (4) "[Browne] won't show up in U.S. court—but he's ready to threaten defamation lawsuits against anyone questioning his secret below-market sale of a misappropriated $120M yacht. Too bad for him, financial records don't lie." *Id.* ¶ 7.

Each of the alleged defamatory statements that serve as the bases for Prime Minister Browne's Antiguan defamation claim relate to "financial records," "following the money," "[t]he disappearance of millions from the sale of the *Alfa Nero*," and "uncover[ing] the financial web behind [the *Alfa Nero*] scandal." *Id.* ¶¶ 7–9. Thus, the truth or falsity of the statements turn on the very issues sought through this Amended Application, including the disposition of the *Alfa Nero* sale proceeds, any kickbacks received by Browne or his proxies, and whether Browne or his proxies personally benefitted from the sale and seizure of the *Alfa Nero*. *Id.* ¶¶ 16–19; *see, e.g.*, *In re Martinez*, 24-MC-306 (RA) (SN), 2025 WL 2505471, at *4 (S.D.N.Y. Sept. 2, 2025) (finding defendants in a foreign defamation action met the *de minimis* "for use" burden by showing records sought bore on the truth or falsity of the statements at issue). Therefore, the discovery sought is critical to mounting a meaningful defense against the defamation claim advanced by Prime Minister Browne. *Id.* ¶ 11 ("A defendant has a duty to identify in, or attach to, the defence any document which it considers to be necessary to the defence"); *id.* ¶¶ 19–20.

The evidence sought will be put to immediate and concrete use—both in formulating a substantive response to Browne's claim and in satisfying the imminent disclosure and discovery obligations. *See id.* ¶¶ 11–20. For this reason, the statutory "for use" requirement is satisfied with respect to the evidence sought for use in the Antigua Defamation Action.

The Original Antiguan Proceeding is pending before the same High Court, *see* Getz Decl. ¶ 5, which, as established above, is a qualifying foreign tribunal. Guryeva-Motlokhov submitted an application to the High Court to introduce new evidence obtained pursuant to Section 1782 in the Southern District of Florida in the Original Antiguan Proceeding, and the High Court has since heard arguments for the application. *Id.* ¶¶ 7–8.

Guryeva-Motlokhov intends to file another application before the High Court seeking to introduce the evidence requested in this Amended Application. *See id.* ¶¶ 15–16. Under Antiguan law and procedure, upon application and approval by the court, Guryeva-Motlokhov may use discovery obtained through this Amended Application before or after judgment, as well as in an appeal to the Court of Appeal or the Judicial Committee of the Privy Council. Getz Decl. ¶¶ 9–10 ("As a matter of Antiguan law and procedure, any evidence which comes to light pursuant to this Application can be used either before or after issuance of the High Court's judgment."); *see also* *Mussington v. Deborah Brosnan & Assocs., LLC*, 708 F. Supp. 3d 1, 14–15 (D.D.C. 2023) (appeal in an Antiguan proceeding is a qualifying foreign proceeding under Section 1782).

Guryeva-Motlokhov can seek, and already has sought with respect to discovery obtained as part of a separate Section 1782 proceeding, the High Court's permission to introduce new evidence in the Antiguan Proceedings. Getz Decl. ¶¶ 7–8. Therefore, Guryeva-Motlokhov has a procedural mechanism enabling admission of the evidence sought in this Amended Application before the High Court in the Antiguan Proceedings. *Id.* ¶ 9. The requested discovery will permit Guryeva-Motlokhov to "identify critical details about the confiscation and sale of the *Alfa Nero* and the disposition of the proceeds of the same." *Id.* ¶ 17. Specifically, the "financial records for the *Alfa Nero*'s sale and/or charter will identify the individuals and entities who benefitted from the Vessel's seizure and sale, and may show financial transfer information for Browne and his inner

circle that identify the individuals and entities that acted on Browne's behalf and for his benefit." *Id.* This information would be material to the Original Antiguan Proceeding. *Id.* ¶ 18.

For the reasons articulated above, the statutory "for use" requirement is satisfied with respect to the Original Antiguan Proceeding.

II. The Discretionary *Intel* Factors Weigh in Favor of Granting Discovery

Where, as here, an application satisfies the statutory requirements, the district court also considers several discretionary factors in determining whether to grant or deny the application. Those factors are: (1) whether the person from whom discovery is sought is a participant in the foreign proceeding; (2) the receptivity of the foreign tribunal to federal court assistance; (3) whether the request conceals an attempt to circumvent foreign proof-gathering restrictions; and (4) whether the request is unduly intrusive or burdensome. *See* Intel, 542 U.S. at 264–65.

In weighing those factors, the Court should keep in mind the "twin aims" of the statute: providing an "efficient means of assistance to participants in international litigation in our federal courts and encouraging foreign countries by example to provide similar means of assistance to our courts." *Application of Malev Hungarian Airlines*, 964 F.2d 97, 100, 102 (2d Cir. 1992) (noting "twin aims" of statute in reversing district court's denial of discovery under 28 U.S.C. § 1782); *see also In re Application of Grupo Qumma*, No. M 8-85, 2005 WL 937486, at *4 (S.D.N.Y. Apr. 22, 2005) ("Section 1782's 'underlying policy should generally prompt district courts to provide some form of discovery assistance.'") (quoting *Euromepa S.A. v. R. Esmerian, Inc.*, 51 F.3d 1095, 1102 (2d Cir. 1995) ("*Euromepa I*")). Indeed, "the statute has, over the years, been given increasingly broad applicability." *Brandi-Dohrn v. IKB Deutsche Industriebank AG*, 673 F.3d 76, 80 (2d Cir. 2012) (cleaned up).

Here, a careful analysis of these factors strongly supports granting the Application.

A. The Discovery Subjects Are Not Participants in the Foreign Proceedings

This factor weighs heavily in favor of granting the requested discovery, as the Discovery Subjects are not participants in the Foreign Proceedings. Because nonparticipants are often beyond a foreign tribunal's reach, "their evidence, available in the United States, may be unobtainable absent 28 U.S.C. § 1782(a) aid." *Intel*, 542 U.S. at 264; *see also In re Application of Sveaas*, 249 F.R.D. 96, 107 (S.D.N.Y. 2008) (finding the discovery subject's "status as a non-party in the foreign actions weighs in favor of granting [the] application"); *In re Application of Chevron Corp.*, 709 F. Supp. 2d 283, 292 (S.D.N.Y. 2010) (holding that the first discretionary factor favored granting of the application where the respondent was not subject to the jurisdiction of the foreign tribunals).

Here, none of the Discovery Subjects are currently participants, or expected to become participants, in the Foreign Proceedings. *See* Getz Decl. ¶ 19; Walwyn Decl. ¶ 21. Courts in this district routinely grant Section 1782 applications seeking discovery from Fed-NY, CHIPS, and similarly situated financial institutions in comparable circumstances. *See In re Vinmar Overseas, Ltd.*, No. 20-mc-277 (RA), 2020 WL 4676652, at *1–2 (granting a Section 1782 application seeking discovery from CHIPS where it was not a party in the foreign proceedings); *see also Order, In The Matter of the Ex Parte Application of Andrew Reginald Yeo and Gess Michael Rambaldi*, 1:18-MC-483, ECF No. 6 (S.D.N.Y. 2018) (granting discovery pursuant to Section 1782 from Fed-NY); *Order, In re Cooperatieve Rabobank*, No. 1:20-mc-89 (AKH), ECF No. 11 (S.D.N.Y. Feb. 18, 2020) (granting discovery pursuant to Section 1782 from CHIPS and other similarly situated financial institutions). Therefore, this factor weighs in favor of granting Applicants' Amended Application.

B. Nature of the Foreign Tribunals and Receptivity

Under the second *Intel* factor, courts evaluate the "nature of the foreign tribunal," the character of the ongoing proceedings abroad, and "the receptivity of the foreign government or the court or agency abroad to U.S. federal-court judicial assistance." *Intel*, 542 U.S. at 264. In evaluating receptivity, courts are advised to limit their inquiries to "authoritative proof that a foreign tribunal would reject evidence obtained with the aid of section 1782," and refrain from "speculative forays into legal territories unfamiliar to federal judges." *Euromepa I*, 51 F.3d at 1099–1100. This includes questions of discoverability and admissibility in the foreign proceeding. *Brandi-Dohrn*, 673 F.3d at 81–82 (explaining that "the Supreme Court rejected the so-called foreign-discoverability rule" and concluding that "there is no statutory basis for any admissibility requirement"); *see also* *Euromepa I*, 51 F.3d at 1101 ("[T]he drafters of section 1782 regarded it as both unnecessary and undesirable to let the propriety of discovery with the aid of an American court depend on discoverability and admissibility under foreign law.") (cleaned up). "Authoritative proof" that a foreign tribunal would reject evidence obtained with the aid of Section 1782 is limited to proof "embodied in a forum country's judicial, executive or legislative declarations that specifically address the use of evidence gathered under foreign procedures." *Id.* at 1100.

Federal district courts have previously granted Section 1782 applications seeking discovery for use in proceedings before the Eastern Caribbean Supreme Court, and more specifically in the High Court, recognizing that the second *Intel* factor is met. For instance, in *In re H.M.B. Ltd.*, the court examined a Section 1782 application in a similar context, where the Government of Antigua expropriated valuable beachfront property, resulting in a multimillion-dollar judgment for which discovery was sought to aid enforcement. No. 17-21459-CIV, 2018 WL 4778459, at *1 (S.D. Fla. July 2, 2018). The court readily found the second *Intel* factor satisfied, noting "there is no

authoritative proof that the . . . Antiguan courts would reject the § 1782 discovery sought," and underscoring that the absence of such evidence in Antiguan proceedings is not a valid reason to deny the request. *Id.* at *9. Similarly, in *Mussington v. Deborah Brosnan & Assocs., LLC*, the court found that "there is no evidence or contention that the Eastern Caribbean courts . . . are not generally receptive to assistance obtained from the United States through § 1782 applications." 708 F. Supp. 3d 1, 18 (D.D.C. 2023). *See also In re ICM SPC on behalf of Ancile Special Opportunity & Recovery Fund Segregated Portfolio*, No. MC-23-00023-PHX-DLR, 2023 WL 4182160, at *1 (D. Ariz. June 26, 2023) (granting Section 1782 application where "[p]etitioner seeks this discovery for use in a foreign proceeding pending in the Eastern Caribbean Supreme Court, High Court of Justice of the British Virgin Islands"); *In re Ming Yang*, No. 19-MC-80191-VKD, 2019 WL 3891444, at *1 (N.D. Cal. Aug. 19, 2019) (same).

As these cases have recognized, the Eastern Caribbean Supreme Court is likely to be receptive to such discovery. *See, e.g.*, *In re ICM SPC*, 2023 WL 4182160, at *1 ("[T]here is no reason to believe the Eastern Caribbean Supreme Court, High Court of the British Virgin Islands would be unreceptive to judicial assistance from the United States."); *In re Borrelli*, No. 20-MC-80154-JSC, 2020 WL 5642484, at *2 (N.D. Cal. Sept. 22, 2020) ("[C]ourts have found that [ECSC] British Virgin Island courts are receptive to federal court judicial assistance" and collecting cases).

As to the Original Antiguan Proceeding, Guryeva-Motlokhov has filed a motion to introduce new evidence pursuant to evidence obtained under a separate Section 1782 application, which the High Court has now heard arguments on and is set to issue a decision on May 15, 2026. Getz Decl. ¶ 7. Judgment on the case is being held pending resolution of Guryeva-Motlokhov's motion. *Id.* If Guryeva-Motlokhov were to receive the requested discovery prior to a judgment on

the merits, Guryeva-Motlokhov would be permitted to file a subsequent motion to adduce new evidence. *See id.* ¶¶ 9, 15. If a judgment is issued before Guryeva-Motlokhov receives the requested discovery, and she prevails, the requested discovery will be used in aid of enforcement of any judgment, as in *In re H.M.B. Ltd*. If the High Court rules against her, Guryeva-Motlokhov will seek to introduce the requested discovery in aid of an appeal or effort to reconsider such a ruling. *See* Getz Decl. ¶¶ 10, 15.

The Antigua Defamation Action is before the same High Court. *See* Getz Decl. ¶ 5; Walwyn Decl. ¶ 5. The claim is in the pleading stage. Walwyn Decl. ¶ 10. Boies Schiller Flexner will file a defense on or before May 12, 2026, where it will be permitted to attach documentary evidence. *Id.* ¶¶ 10–11. Once De Luca is served, he will have the same opportunity to file defenses and submit documentary evidence. *Id.* Upon the closing of the pleading stage, the Court will set a schedule and determine procedures for exchanging discovery, where the "parties will be required to disclose relevant documents in their possession or control." *Id.* ¶ 12. The High Court has "recognized that evidence obtained abroad, including through applications under 28 U.S.C. § 1782, may be relied on in proceedings in that Court." *Id.* ¶ 14 n.24 (citing multiple Antiguan precedents). Therefore, the High Court would allow the requested discovery to be admitted in the Antigua Defamation Action.

Therefore, the second factor weighs in favor of granting Applicants' Amended Application.

C. Applicants Do Not Seek to Circumvent Foreign Proof-Gathering Restrictions

Applicants seek this discovery in good faith and are not attempting to circumvent the foreign tribunal's proof-gathering restrictions. Typically, courts weigh the third *Intel* factor against the applicant only where they find that an application is brought in bad faith. *See* *In re Application of Hill*, No. M19-(RJH), 2007 WL 1226141, at *3 (S.D.N.Y. Apr. 23, 2007) ("Absent any

indication of bad faith on [the applicant's] part, the Court is simply unwilling to weigh the request for § 1782 assistance itself as a negative discretionary factor") (internal quotations omitted); *see also* *In re Gemeinschaftspraxis Dr. Med. Schottdorf*, No. Civ. M19-88 (BSJ), 2006 WL 3844464, at *7 (S.D.N.Y. Dec. 29, 2006). Indeed, courts have granted Section 1782 applications even when the discovery sought was unavailable in the foreign jurisdiction or when the applicant had not first attempted to obtain the discovery overseas. *See, e.g.*, *In re Mangouras*, No. 17-mc-172, 2017 WL 4990655, at *7–8 (S.D.N.Y. Oct. 30, 2017). As noted above, it has been established that the nature of evidentiary procedures in the Eastern Caribbean Supreme Court does not render an application in bad faith. *See* *In re H.M.B. Ltd.*, 2018 WL 4778459, at *9 ("[A] party requesting discovery does not have to meet a threshold requirement that evidence sought from a federal district court would be discoverable under the law governing the foreign proceeding.") (cleaned up); *In re Ambercroft Trading Ltd.*, No. 18-MC-80074-KAW, 2018 WL 4773187, at *8 (N.D. Cal. Oct. 3, 2018) ("Whether or not the Eastern Caribbean Supreme Court Civil Procedure Rules would allow this discovery at this time is therefore not relevant to these factors.").

Because the requested discovery is unlikely to be available in the Foreign Proceedings and the Amended Application is brought in good faith and does not seek to circumvent any proof-gathering restrictions, this factor also weighs in favor of granting the Amended Application.

D. Applicants Seek Narrowly Tailored Discovery

Section 1782 provides that discovery taken under the statute is governed by the Federal Rules of Civil Procedure. 28 U.S.C. § 1782(a). Thus, the Court "should assess whether the discovery sought is overbroad or unduly burdensome by applying the familiar standards of Rule 26 of the Federal Rules of Civil Procedure." *See* *Mees v. Buiter*, 793 F.3d 291, 302 (2d Cir. 2015). Further, the scope of permissible discovery under Fed. R. Civ. P. 26 provides, in part, that "[p]arties

may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense—including the existence, description, nature, custody, condition, and location of any documents." *In re Application of Michael Wilson & Partners*, No. 06-cv-02575-MSK-KMT, 2009 WL 1193874, at *2 (D. Colo. Apr. 30, 2009) (citations omitted).

The discovery sought by Applicants meets that standard. As amended, the subpoenas are narrowly tailored to the Foreign Proceedings and temporally limited to February 2022—when the Antiguan government seized the *Alfa Nero*—through January 2025, six months after its sale. *See* Nielson Decl. ¶¶ 20–21, Exs. A–B. Moreover, in line with guidance from the Court's prior ruling, Guryeva-Motlokhov has amended the subpoenas to include financial transactions between Browne and his inner circle and the Yildrim Brothers and related entities. *See id.* Those materials will likely reveal the exact payments between Browne and his inner circle and the Yildrim Brothers, and may reveal payments beyond those described in the *Alfa Nero* sale agreement, *see id.* ¶ Ex. 10, which will tend to prove the allegations of Browne's corruption and self-dealing detailed in this Amended Application. The links between Browne and each of the identified targets in the proposed subpoenas are detailed herein and in further detail in the Nielson Declaration; and the Getz and Walwyn Declarations each detail how the discovery sought is expected to be relevant and used in the Foreign Proceedings. *See id.* ¶¶ 8, 12, 17; Getz Decl. ¶¶ 16–18; Walwyn Decl. ¶¶ 17–20. In short, the requested discovery will likely reveal the paper trail of payments between the facilitators of the sale of the *Alfa Nero*, Browne and his inner circle, and the potential and ultimate buyers of the *Alfa Nero*, all of which is directly relevant to proving Guryeva-Motlokhov's claim that the objective in seizing and selling the *Alfa Nero* was to personally benefit Browne and his close associates. *See* Getz Decl. ¶¶ 16–18. In addition, the requested discovery will be used to

support a defense in the Antiguan Defamation Action by demonstrating the truth or falsity of the statements at issue. *See* Walwyn Decl. ¶¶ 17–20.

Finally, Applicants seek the types of records that the Discovery Subjects maintain and produce in the regular course of business, and thus the burden of compliance on the Discovery Subjects is expected to be minimal. In fact, this Court has previously granted requests for similar discovery from these institutions under Section 1782. *See, e.g.,* *Order, In re Cooperatieve Rabobank*, No. 1:20-mc-89 (AKH), ECF No. 11 (S.D.N.Y. Feb. 18, 2020) (granting discovery pursuant to Section 1782 from CHIPS and other financial institutions). To the extent that the Discovery Subjects find the discovery requests to be burdensome or intrusive, they may make a specific showing to that effect. *See* *In re Application of Inversiones y Gasolinera Petroleos Venezuela*, No. 08-20378-MC, 2011 WL 181311, at *13 (S.D. Fla. Jan. 19, 2011) (allowing discovery under Section 1782 absent "specific showing" of burdensome or intrusive nature of request by respondent); *Cf.* *In re Letters Rogatory from Tokyo Dist., Tokyo, Japan*, 539 F.2d 1216, 1219 (9th Cir. 1976) (noting that a subpoenaed party can "raise[]objections and exercise[]their due process rights by motions to quash the subpoenas").

Therefore, the fourth factor weighs in Applicants' favor.

III. International Comity

Finally, though the Supreme Court has not specifically listed it as a factor in the analysis, this District has joined other courts in considering international comity, *see* *In re Brookfield Infrastructure Partners L.P.*, 25-mc-278 (LJL), 2025 WL 3215607, at *16 (S.D.N.Y. Nov. 18, 2025) ("[W]hen evaluating applications under Section 1782, courts should 'take into account principles of international comity regarding the legitimate interests of foreign sovereigns with respect to persons and information within their jurisdiction.'") (citing Restatement (Fourth) of

Foreign Relations Law § 426 (2018)), in recognition of the fact that "the animating purpose of § 1782 is comity: Permitting federal courts to assist foreign and international governmental bodies promotes respect for foreign governments and encourages reciprocal assistance." *ZF Auto. U.S., Inc. v. Luxshare, Ltd.*, 596 U.S. 619, 632 (2022). The targeted discovery sought by this Amended Application from sources located within this District will illuminate critical and dispositive issues pending in the Foreign Proceedings and further Section 1782's central comity purpose.

CONCLUSION

WHEREFORE, Applicants request that this Court:

(1) Grant discovery pursuant to 28 U.S.C. § 1782; and

(2) Authorize the issuance of the subpoenas attached hereto as Exhibits A–B.

Dated: April 28, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT, TYPEFACE REQUIREMENTS, AND TYPESTYLE REQUIREMENTS

I, Scott Curtis Nielson, counsel for Applicant Yulia Guryeva-Motlokhov, certify, pursuant to Southern District of New York Local Rule 7.1, that the foregoing memorandum of law is proportionately spaced, has a typeface of 12 points—except for the text in footnotes which is 10 points as permitted under Local Rule 7.1(c)—and contains 8152 words, excluding the parts of the document exempted by Local Rule 7.1(c).

Dated: April 28, 2026

By: /s/ *Scott Curtis Nielson*
Scott Curtis Nielson