

JUDGMENT

COURT OF NORTH NETHERLANDS

Civil law

Hearing location 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],
S. [REDACTED],
residing in Doetinchem,
6. the late [REDACTED],
last residing in Zaandam,
7. [REDACTED],
residing in Leeuwarden, plaintiffs in the main case, defendants in the incident,
attorneys: 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 choosing their place of residence in The Hague,

17. **THE STATE OF THE NETHERLANDS**,
seated in The Hague, defendants in the main case,
attorneys: mr. R.W. Veldhuis and mr. M.E.A. Möhring,
11. **ALBERT BOURLA**,
residing in [REDACTED], defendant in the main case,
attorneys: mr. D. Roessing and mr. Bredenoer -Spoek,
12. **GISELLE JACQUELINE MARIE-THERESE VAN CANN**,
residing in the municipality of [REDACTED],

13. PAUL EDWIN JANSEN,

residing in the municipality of [REDACTED], defendants in the main case,
attorneys: mr. L. Broers and mr. R.H.W. Lamme,

16. AGNES CATHARINA VAN DER VOORT-KANT,

choosing her place of residence in Amsterdam, defendant in the main case, attorney: mr. A.H. Ekker,

15. WILLIAM HENRY BILL GATES III,

residing in [REDACTED], defendant in the main action,
plaintiff in the incident, hereinafter referred to as: Gates,
attorney: mr. W. Heemskerk.

Plaintiffs in the main action will hereinafter jointly be referred to as [REDACTED] et al. and defendants in the main action will hereinafter jointly be referred to as Hofstra et al. or defendants.

1. The procedure

1.1. The course of the proceedings is apparent from:

- the judgment in incident of 1 May 2024
- the letter of 14 May 2024 with requests from [REDACTED] et al.
- the letter from the court of 12 June 2024, in which the court responded to those requests
- the rectification judgment in incident of 12 June 2024
- the e-mail with requests from [REDACTED] et al. of 2 September 2024
- the letter from the court of 10 September 2024, in which the court responded to those requests
- the e-mail with a request from [REDACTED] et al. of 11 September 2024
- the letter from the court of 12 September 2024, in which the court responded to that request
- the oral hearing of 18 September 2024, of which the registrar made notes of the hearing
- the pleadings from the side of Gates
- the speaking notes of [REDACTED] et al.
- the statement of [REDACTED] read out in court by her father.

1.2. Finally, judgment has been determined.

2. The facts

2.1. Gates is a wealthy American, who has partly invested his assets in a foundation under American law, called the Bill & Melinda Gates Foundation. Gates is co-director of this foundation. The foundation aims 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 vaccinations between various public and private entities.

2.3. The Bill & Melinda Gates Foundation is also affiliated with the World Economic Forum (hereinafter: WEF), an international organization whose statutory objective is to unite '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 Safety and the Environment (hereinafter: RIVM) - insofar as relevant - reported the following to the Ministry of Health, Welfare and Sport:

On 24 January last, an OMT [Outbreak Management Team; addition by the court] was convened regarding the outbreak of a new coronavirus - then still called 2019-nCoV - in Wuhan in China. The virus has since been given the name SARS-CoV-2, the disease is called COVID-19. The WHO declared the COVID-19 outbreak a Public Health Emergency of International Concern on 30 January 2020.

2.5. Subsequently, the Dutch government implemented various measures in the Netherlands in the course of 2020 and 2021 that it said were aimed at combating the coronavirus, including a mandatory face mask requirement 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 was published, entitled 'Covid-19: The Great Reset', which Schwab co-authored with Mr T. Malleret.

2.8. By letter dated 21 October 2020, Rutte was invited to the WEF annual meeting in May 2021. The invitation states - insofar as relevant - the following:

This Annual Meeting wants to be the first opportunity for leaders from government and business to come together again and design a common recovery path and rebuild a more resilient, cohesive and sustainable society. Underpinning it wants to be the process of the Great Reset, an unprecedented mobilization 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' Today programme, the footage of which was subsequently posted on YouTube under the title 'It Looks Like Almost All The Vaccines Are Going To Succeed'.

2.10. As a prospective committee member of the OMT, Hofstra completed a so-called Declaration of Interests in June 2021. In it, he indicated, among other things, that he was working at that time as a physician M+G Infectious Disease Control and physician M+G Forensic Medicine at GGD Fryslân and as chairman of the Dutch Association for Infectious Disease Control (NVIB). In addition, according to him, he worked on an incidental basis as an advisor at 'Het Netwerkcentrum', where his work consisted of writing scenarios for exercises in the field of infectious diseases and supervising those exercises from a so-called response cell.

3. The dispute in the main case

3.1. In the main proceedings, ████████ et al. claim that the court by judgment:

- (1) declare that Hofstra et al. as a group and each for itself acted unlawfully towards ████████ et al. by deliberately misleading them in an unlawful manner and thereby inducing them to have Covid-19 injections administered of which Hofstra et al. knew, or at least should have known, that these injections were not safe and effective;
- (2) enforceable provisionally, Hofstra et al. jointly and severally, insofar as one pays the others will be released, will order ████████ et al. to pay their damages, to be determined by statement and settled in accordance with the law;
- (3) order Hofstra et al. to pay the costs of these proceedings by virtue of a procedural costs award to be made by the court for that purpose, enforceable provisionally.

3.2. ████████ et al. have based that claim - briefly and factually stated - on the following. Hofstra et al. have implemented the Covid 19: The Great Reset Project. This is a project aimed at the total reorganization of societies in all countries that are members of the United Nations (hereinafter: UN), as described by Schwab in his book Covid-19: The Great Reset. In this reorganization, all factors that determine human life are made the subject of forced change by the WEF and the UN. Characteristic of this political ideology is that this forced and planned change is presented as justified by pretending that the world is suffering from major crises that can only be solved by centralized, hard global intervention. One of these pretended major crises concerns the Covid-19 pandemic. Hofstra et al. have individually and as a group acted unlawfully towards ████████ et al. by misleading them, in the context of the implementation of the Covid 19: The Great Reset Project, into having Covid-19 injections administered, of which Hofstra et al. knew, or at least should have known, that these injections were not safe and effective. These Covid-19 injections were never intended to protect ████████ et al. from a venomous virus. ████████ et al. suffered mental and physical injuries as a result of these injections, according to ████████ et al.

4. The dispute in the incident

4.1. Gates claims that the court, by judgment, provisionally enforceable to the extent possible:

- i. declare itself incompetent to hear the claims of █████ et al. with respect to Gates;
- ii. order █████ et al. to pay the costs of this incident, with the proviso that statutory interest will be due on this award of costs with effect from the fifteenth day after the date of the judgment to be rendered in this case;
- iii. with order that █████ et al. pay the subsequent costs, in accordance with the liquidation rate estimated at € 173.00 or, in the event of service, € 271.00.

4.2. Gates has - briefly and factually stated - based the claim on the following. According to the main rule of the general international law of jurisdiction, the court of the place of residence of the defendant party has jurisdiction to hear the dispute. Because Gates does not reside in the Netherlands, the court cannot derive jurisdiction from this main rule. Furthermore, it has neither been stated nor made plausible that the requirements for jurisdiction of the court on the grounds of jurisdiction in article 6, opening sentence and under e of the Code of Civil Procedure (Rv), 7 paragraph 1 Rv and 9, opening sentence and under c Rv, which █████ et al. have relied on.

4.3. █████ et al. contest the incidental claim and conclude that this claim should be dismissed, with provisionally enforceable judgment for Gates to pay the costs of these proceedings, including the subsequent costs.

4.4. The parties' positions will be discussed in more detail below, to the extent necessary.

5. The assessment in the incident

Subject of the dispute and the overall assessment framework

5.1. The dispute in this incident revolves around the question of whether this court has jurisdiction to hear the claims instituted by █████ et al. against Gates in the main proceedings. Gates resides in the United States. There is no treaty applicable between the Netherlands and the United States that contains 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 jurisdiction law, as laid down in, among other things, Articles 1-14 of the Code of Civil Procedure.

5.2. When introducing and later amending Articles 1-14 of the Code of Civil Procedure, the Dutch legislator sought to align itself with, among 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 and the recognition and enforcement of judgments in civil and commercial matters (recast) (hereinafter: Brussels 1-bis Regulation). In interpreting the general rules for international jurisdiction, aligning must therefore in principle be sought with the case law of the ECJ on (the predecessors of) the Brussels 1-bis Regulation. This is different if it is plausible that the Dutch legislator intended to deviate from the EU law instruments or the interpretation thereof by the CJEU when establishing a common rule.

5.3. It follows from the case law of the CJEU that the court that examines whether it has jurisdiction in the context of the application of (the predecessors of) the Brussels 1-bis Regulation must not limit itself to the claims of the claimant in this examination, but must also take into account all the information available to it on the actual legal relationship between the parties and, where appropriate, the claims of the defendant. The examination of jurisdiction on the basis of the EU law instruments may therefore not be based solely on the basis chosen by the claimant for its claim. Legal certainty requires that the national court can easily rule on its own jurisdiction, without having to examine the substance of the case. If the defendant disputes the plaintiff's claims, the court does not have to provide an opportunity for the submission of evidence regarding the facts relevant to both jurisdiction and merits in determining its jurisdiction, because this would prejudice the investigation into the merits of the claims. It follows that the court limits itself to a prima facie judgment when answering this question¹. Based on what has been considered in paragraph 5.2 above, this standard also applies if the Dutch court investigates

whether it has jurisdiction in the context of the application of the general rules for international jurisdiction. After all, it is not plausible that the Dutch legislator intended to deviate from the EU law instruments or the interpretation thereof by the ECJ2 on this point.

Does the court have jurisdiction on the basis of Article 7 paragraph 1 Rv?

5.4. In addition to the main rule that the defendant is summoned before the courts of the country where the defendant is domiciled, the Code of Civil Procedure provides several other jurisdiction rules that lead to additional grounds for jurisdiction. The principle of legal certainty requires, among other things, that these jurisdiction rules that deviate from the main rule are interpreted in such a way that an averagely judicious defendant can reasonably foresee on that basis before which court other than that of the state of his domicile he could be summoned.

5.5. █████ et al. have invoked several of those additional grounds for jurisdiction, including the ground for jurisdiction set out in Article 7 paragraph 1 of the Code of Civil Procedure. Gates has contested those grounds for jurisdiction with reasons.

5.6. Article 7 paragraph 1 of the Code of Civil Procedure provides that if the 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 reasons of expediency justify joint proceedings.

5.7. In the judgment referred to in footnote 2, the Supreme Court ruled that the first condition for the application of Article 7 paragraph 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 a ground other than that stated in Article 7 paragraph 1 of the Code of Civil Procedure itself. If that condition is met, the second condition for the application of Article 7 paragraph 1 of the Code of Civil Procedure is that the claims against the other defendant(s) show sufficient connection with the claims against the anchor defendant.

5.8. In interpreting Article 7 paragraph 1 of the Code of Civil Procedure, it is important that this provision is based on (the predecessor of) Article 8, opening words and under 1, of Regulation Brussels 1-bis. The case law of the ECJ can be used as a guideline for the answer to the question of whether the claims are connected within the meaning of Article 7 paragraph 1 of the Code of Civil Procedure3. According to the case law of the ECJ, related claims exist if (i) the claims are based on the same set of facts, and (ii) the claims are so closely related in law that the claimant cannot reasonably be expected to have the cases heard by different courts treat 4• If both conditions are met, it may be assumed that the joint treatment of the claims is justified for reasons of efficiency and that the requirement of foreseeability has been met. For the application of Article 8(1) of Regulation Brussels 1-bis, the CJEU sets the condition that there is a risk of divergence in the resolution of the dispute, which occurs in the context of 'the same factual and legal situation'5. In assessing whether this is the case, all necessary elements of the file must be taken into account. In this context, the CJEU has formulated a number of points of view that the judge must take into account in his assessment. With regard to the question of whether there is the same factual situation, it is important whether the defendants have coordinated their conduct. With regard to the question of whether the situation is the same in legal terms, the legal bases of the claims instituted form a relevant point of view6•

5.9. On the basis of Article 2 Rv and Article 99 Rv, this court has both international and relative jurisdiction to hear the claims against Hofstra, because he lives in the district of this court. Hofstra can therefore be regarded as an anchor defendant within the meaning of Article 7 paragraph 1 Rv.

5.10. █████ et al. have based their claims against Hofstra et al., among other things, on the fact that Hofstra et al. acted unlawfully towards them as a group. As the court understands, █████ et al. argue

1 See ECJ 16 June 2016, ECLI:EU:C:2016:449 (Universa(Music/Schilling), paragraphs 42-46 and ECJ 5 July 2018, ECLI:EU:C:2014:2319 (flyLAL-Lithuanian Airlines), paragraph 54.

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

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

that Hofstra et al., and therefore Gates, are part of a worldwide group of individuals, legal entities and other entities that, in the context of the implementation of a project called Covid 19: The Great Reset, have misled people into taking Covid-19 injections, while they knew or should have known that these injections were not safe and effective. The court infers from Gates' plea that Gates also understood █████ et al.'s position in this way. The court understands that █████ et al. further argue in this context that Gates committed this deception internationally through two videos that were published on YouTube in April and December 2020, in which Gates allegedly gave a false representation of the necessity of the Covid-19 injections and the safety of those injections respectively. To the extent that █████ et al. intended to state that any actions by the Bill and Melinda Gates Foundation should also be regarded as unlawful acts by Gates in this group context, the court disregards this in the context of this incident, as they have not substantiated this. According to █████ et al., some other defendants who participate in the alleged group, including De Jonge and Rutte, committed the deception in the Netherlands and thereby misled them, including by holding press conferences. Because it was foreseeable to Gates that the group action created the risk of damage such as that suffered by █████ et al., he is, █████ et al. argue, liable for that damage on the basis of Article 6:166 of the Dutch Civil Code (BW).

5.11. The court considers that this means that the legal basis of the claims against Hofstra et al. is the same. Gates can be granted that the specific unlawful acts he is accused of differ of the specific unlawful acts of which Hofstra (and the other defendants) are accused. However, this does not alter the fact that █████ et al. claim that all of these acts were performed by a group and that they qualify as an unlawful act in a group context. In assessing this basis for the claims, the court in the main proceedings will first have to assess whether, as █████ et al. claim and Gates disputed, a worldwide group of persons, legal entities and other entities exists that, in the context of the implementation of a project called Covid 19: The Great Reset, have misled people into taking Covid-19 injections, while they knew or should have known that these injections were not safe and effective. There is a risk that separate proceedings for the claims against Hofstra et al. will lead to irreconcilable judgments on this complex 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 unlawful act in a group. This means that, given the aforementioned assessment framework, the required connection as referred to in Article 7 paragraph 1 Rv between the claims against Gates and the claims against anchor defendant Hofstra is provided.

5.12. Gates has contested the positions of █████ et al. in the context of this incident in general terms and argued that a sound and logical substantiation of the positions of █████ et al. is lacking. This general contestation is not further substantiated and insufficient to be able to judge on that basis that the positions of █████ et al. are so unfounded that they cannot withstand the (limited) test referred to above in paragraph 5.3 in the context of this incident concerning jurisdiction.

5.13. Based on the foregoing, this court has international jurisdiction to hear the claims against Gates on the basis of Article 7 paragraph 1 Rv. This means that the appeal of █████ et al. to Article 6, opening words and under e Rv and 9, opening words and under c Rv and the positions taken by the parties in this regard no longer need to be discussed.

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

5.14. To the extent that Gates has also contested the relative jurisdiction of this court in the context of this incident, the court considers that it has relative jurisdiction on the basis of article 107 Rv in conjunction with article 99 Rv. Article 107 Rv stipulates that, if a court has jurisdiction with respect to one of the defendants jointly involved in the proceedings, that court also has jurisdiction with respect to the other defendants, provided that there is such a connection between the claims against the various defendants that reasons of efficiency justify joint proceedings. As considered above, the court has relative jurisdiction to hear the claims against Hofstra. The connection assumed above in the context of article 7 paragraph 1 Rv also applies to the relative jurisdiction as referred to in article 107 Rv.

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

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

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

Conclusion and legal costs

5.15. In view of the considerations above, Gates' claim will be dismissed. Gates will be ordered to pay the legal costs (including additional costs) as the losing party. The legal costs of [REDACTED] et al. are estimated at:

- lawyer's fee € 1,228.00 (2 points x € 614.00)
 - additional costs € 178.00 (plus the increase as
 - stated in the decision)
- Total € 1,406.00

6. The assessment in the main case

6.1. The court will refer the case to the roll for the taking of a conclusion of answer by Gates.

7. The decision

The court

in the incident

7.1. dismisses Gates' claim,

7.2. orders Gates to pay the legal costs of € 1,406.00, to be paid within fourteen days after notice to that effect, to be increased by € 92.00 plus the costs of service if Gates does not comply with the order for costs in time and the judgment is served thereafter,

7.3. declares this judgment provisionally enforceable with regard to the award of costs,

in the main case

7.4. determines that the case will be returned to the role of 27 November 2024 for a conclusion of response on the side of Gates.

This judgment was rendered by Mr. T.P. Hoekstra and pronounced in public on 16 October 2024.

fn: 445



Voor ~~gereg.~~/afschr. conform

16 OKT. 2024

De griffier,