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April 21, 2025

VIA ECF

Honorable Jesse M. Furman, U.S.D.J.
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: ***In Re: Gaston Browne Corruption Discovery Application, No. 25-mc-98 (JMF)***
Applicant's Combined Response to Letter Motions to Stay (ECF Nos. 34, 35)

Your Honor,

We represent Applicant Yulia Guryeva-Motlokhov (“Applicant”), and write pursuant to the Court’s April 15, 2025 Order staying compliance with court-approved subpoenas here ([ECF No. 37](#)), and in response to the two letter motions to stay (the “Stay Motions”) filed by intervenors Gaston Browne (“Browne”), Maria Bird-Browne, Gaston Andron Browne III, Hyacinth Harris, IF Antigua Inc., Farmer DG Browne Co. Limited, Cove Head Development Limited, Cove Head Communications Limited, Ickford Roberts, Darwin Telemaque, and the West Indies Oil Company Ltd. (collectively, “Movants”). Pursuant to the Court’s April 15 Order, Applicant addresses both Stay Motions in this combined response.

Applicant respectfully submits that the stay of compliance should be lifted. As Applicant’s counsel explained during the parties’ meet-and-confer, there is no need for a stay here because both subpoena recipients have stated that their response time is 10-12 weeks *at best*, leaving ample time to address the pending motions to quash without staying compliance. In contrast, leaving the stay in place will ensure months of delay if these motions are denied – and there is no basis at all to stay compliance as to discovery subjects that have not appeared. And in the unlikely event that a response is ready before any pending motions are resolved, Applicant’s counsel has already offered an Attorneys-Eyes-Only protective order to keep any such responses protected pending the Court’s decision.

Separate from these practical issues, the Stay Motions are legally unsupported. Movants’ supposed privacy interests in third party wire data are minimal, and as explained during the parties’ meet-and-confer, Applicant has serious concerns that the Stay Motions are a political maneuver intended to freeze this action while Browne threatens Applicant with defamation lawsuits as part of his reelection campaign. There is no legal or practical reason to hamstring Applicant’s efforts to conduct discovery while certain Movants litigate this action in the press.

I. Relevant Background

On March 11, 2025 Applicant filed an *ex parte* application pursuant to [28 U.S.C. § 1782](#), seeking authorization to issue subpoenas to two wire transfer clearing houses (the “Subpoenas”) for records related to 19 individuals and entities (the “Subjects”). On March 17, 2025, the Court

granted the *ex parte* Application, finding that “Section 1782’s statutory requirements are met and that the so-called *Intel* factors favor granting the application.” [ECF No. 14](#). Applicant’s counsel then provided notice as ordered, and served the Subpoenas on or about March 20, 2025. *See* [ECF No. 15](#).

On April 11, 2025, Movants intervened and filed parallel motions to quash the Subpoenas. *See* ECF Nos. 22; 32. On April 14, 2025, Movants filed the present Stay Motions, ECF Nos. 34, 35, and on April 15, 2025, the Court provisionally granted the Stay Motions, while directing Applicant to file any request to lift the stay by no later than April 21, 2025. *See* [ECF No. 37](#).

II. The Stay Should be Lifted

Where a party seeks to stay discovery in a Section 1782 action, courts weigh four factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *In re SPS I Fundo de Investimento de Acoes - Investimento no Exterior*, No. 22-MC-00118 (LAK), [2023 WL 375555](#), at *1 (S.D.N.Y. Jan. 24, 2023) (“*SPS I*”) (*quoting* *U.S. S.E.C. v. Citigroup Glob. Markets Inc.*, [673 F.3d 158, 162](#) (2d Cir. 2012)). “The party seeking a stay bears a difficult burden’ and such motions are commonly denied.” *Id.*

a. Movants Have No Standing to Stay Discovery from Non-Intervenors and Have Not Established That They Are Likely to Succeed on the Merits

At the very least, the Stay should be lifted as to discovery regarding Subjects who have not appeared. Movants have no standing to assert the interests of non-parties, and it will only waste resources to delay and then restart discovery as to half of the Subjects simply because others are engaged in motion practice – and Movants have not offered any authority for doing so.

As to their own interests, Movants offer only a barebones recitation that the Court should stay compliance with the Subpoenas because they are likely to succeed on the merits. *See* ECF Nos. 34, at 3; 35, at 2. Movants are wrong, and even a cursory review of their filings undercuts their assertion. The Court can take notice that none of the Movants has offered any expert declaration on any of the multiple foreign law issues raised in the Application. And where expert testimony on foreign law is un rebutted, courts generally show deference to an expert’s analysis. *See* Moore’s Federal Practice - Civil, § 44.1.04 (“Although a district court is not bound to accept the opinion of a foreign expert, the court usually should give some deference to an un rebutted presentation or interpretation of foreign law.”). Nor did Movants offer declarations from any of the Movants themselves as to why the Subpoenas should be quashed. *See In re Subpoenas Served on Lloyds Banking Grp. PLC*, No. 21MC00376JGKSN, [2021 WL 3037388](#), at *5 (S.D.N.Y. July 19, 2021), (“[A] generalized privacy interest, supported only by a legal citation, is not evidence of a clear and defined injury. Even providing for the comity due foreign sovereigns, more is needed to show the kind of clearly defined, specific and serious injury that would merit quashing a subpoena entirely.”). Applicant submits that the Court cannot find Movants likely to succeed on the merits where they have offered no such evidence – and as such, the first factor disfavors a stay here.

b. Movants Have No Protectable Interest Here, and Any Purported Interests Will Not be Injured Absent a Stay

The Stay Motions were based on the premise that Movants have privacy interests which will be irreparably harmed by compliance with the Subpoenas. Not so. Applicant is not seeking the private banking records of Movants, nor any internal government or personal records. What Applicant is seeking are *third-party* wire transfers between financial institutions. Courts in this District have repeatedly recognized that privacy interests in such records are modest at best. *See In re Ativos Especiais II - Fundo de Investimento em Direitos Creditorios - NP*, No. 24-MC-119 (LJL), [2024 WL 4169550](#), at *16 (S.D.N.Y. Sept. 12, 2024) (“[I]t is not obvious that the Clearing House documents, which are simple records of wire transfers, are private or sensitive ... Intervenor is unable to articulate any particularized privacy interest in these documents, as opposed to in financial documents generally.”); *see also Averbach v. Cairo Amman Bank*, No. 19-CV-0004-GHW-KHP, [2023 WL 4144758](#), at *3 (S.D.N.Y. June 23, 2023) (“[N]ot all banking information implicates a privacy interest, and courts frequently deny motions to seal financial information that does not reveal highly sensitive or personal details ... This is especially true when the information dates back several years such that any privacy interest in that information is stale.”) (cleaned up).

Whatever interest Movants may have in this information is minimal at best, and not at any risk of imminent disclosure. As explained during the parties’ meet-and-confer, the Subpoena recipients have indicated that they expect compliance will take at least 10-12 weeks at best, and potentially much longer. In fact, the Clearinghouse Payment Company has indicated that compliance is expected to take 20 to 22 weeks, meaning records would be available in August of 2025 at the earliest. *See* Ex. 1.

Under the Local Rules, the pending motions should be fully-briefed by no later than May 5, 2025, and the Court generally disfavors oral argument. The Court has also been extremely efficient in moving this matter forward, often addressing filings within days, or even on the same day filed. As such, there is little reason to believe that the pending motions to quash will not be addressed during the time the Subpoenas are being processed. In contrast, a stay of compliance will ensure months of delay if the pending motions are denied.

c. Leaving the Stay in Place Will Substantially Injure Applicant

Any modest privacy interest Movants may have in their wire transfer data is greatly outweighed by Applicant’s interest in moving this matter forward promptly. While these issues will be addressed in full in Applicant’s opposition to the pending motions to quash, the Court should be aware of the context surrounding the Stay Motions: Browne has publicly declared that he intends to sue Applicant and others for defamation based on this action, stating “I shall now legally pursue *Associated Press, Yulia (Guryeva-Motlokhov), Gisele Isaac* [chairman of an opposition party] ... I am looking forward to exploit this defamation with a hefty multi-million dollar compensation package.”¹ And Applicant has no reason to doubt that Browne intends to do exactly what he has pledged – sue Applicant for filing this action. More concerning still, Browne has now taken to publicly threatening Applicant’s counsel, for example, Browne – *a sitting head of state* – recently attacked Applicant’s lead counsel on x.com stating “Martin, You

¹ *Antigua Newsroom*, “PM Browne to Sue D. Gisele Isaac and Others for Defamation” (March 13, 2025), at <https://antiguanewsroom.com/pm-browne-to-sue-d-gisele-isaac-and-others-for-defamation>.

need a bull-bud up your ass for all the defamatory \$uckery [sic] that you are spreading.”² And since the filing of this action, parties aligned with certain of the Movants have launched an online smear campaign aimed at Applicant’s counsel, focused on this case, with allegations often too vile to be repeated here.³ In sum, Movants – and Browne in particular – have chosen to litigate in the press through threats and other means. It would be deeply inequitable to continue to stay this matter to Browne’s benefit when discovery here is likely to provide an absolute defense to Browne’s threatened defamation action.

d. The Public Interest Does Not Support a Stay Here⁴

As Applicant’s counsel explained during the parties’ meet-and-confer, Browne’s conduct is not occurring in a vacuum: Applicant strongly suspects that his threats and public accusations are simply part of his publicly-stated intention to soon hold snap elections in Antigua.⁵ And perhaps for obvious reasons, vilifying Applicant and her counsel appears to be a key element in that political campaign. To the extent that the Court considers the public interest here, Applicant submits that these matters are apparently of significant public interest in Antigua and Barbuda, and the Court should move this matter forward expeditiously as a result.

III. Alternately, A Protective Order Would Safeguard Any Minimal Privacy Interest Without Prejudice to Applicant

Alternately, if the Court finds that Movants have some limited privacy interest in their wire transaction information, the Court can protect any such interest without disrupting this action by ordering exactly what Applicant’s counsel already proposed: a protective order directing that any response to the Subpoenas be held on an Attorneys-Eyes-Only basis until further order of this Court.

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² <https://x.com/gastonbrowne/status/1904113169582166243> (last visited 4/14/25).

³ Counsel will identify these postings to the Court as requested and expects to address this smear campaign in full in the forthcoming Opposition to the pending motions to quash.

⁴ Applicant submits that the Court does not need to address the breath of the Subpoenas to lift the stay, but in any event, the Subpoenas are not overbroad. The Application details a pattern of conduct which stretches back far beyond the period requested, and the links between each of the Subjects and Browne are detailed at length. *See* ECF No. 2, at 51-52. The discovery is expected to identify the Browne’s transaction patterns and associates who may hold assets on his behalf – all of which is relevant to testing whether Browne engineered the seizure and sale of the *Alfa Nero* for self-interested reasons.

⁵ *Antigua Observer*, “PM Browne Suggests Early General Election as Two Major Parties Hold Competing Rallies” (March 31, 2025), at <https://antiguaobserver.com/pm-browne-suggests-early-general-election-as-two-major-parties-hold-competing-rallies>.

IV. Conclusion

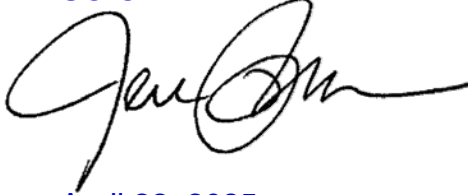
For the above reasons, Applicant respectfully requests that the Court's provisional stay of compliance with the Subpoenas be lifted.

Respectfully submitted,

BOIES SCHILLER FLEXNER LLP

Upon review of the parties' letters, the Court concludes that the proper way to balance Applicant's interest in avoiding unnecessary delay and Movants' privacy interests is to lift the stay and require production subject to a protective order providing that any responses to the Subpoenas are to be held on an Attorneys-Eyes-Only basis until further order of the Court and are to be destroyed to the extent that the Court grants a motion to quash. Applicant and Movants shall confer and, no later than April 25, 2025, file a proposed protective order.

SO ORDERED.



April 22, 2025

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