

# EXHIBIT 2.J



Date: July 16, 2021

To whom it may concern:

This is to certify that the attached translation from Dutch and into English is an accurate representation of the documents received by this office.

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Alexander Danesis, Project Manager in this company, attests to the following:

“To the best of my knowledge, the aforementioned documents are a true, full and accurate translation of the specified documents.”

*Alexander Danesis*

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Signature of Alexander Danesis

# ECLI:NL:PHR:2000:AA4877

Court	The Public Prosecutor's Office at the Supreme Court
Date of ruling	02/18/2000
Date of publication	01/15/2003
Case number	R98/176HR
Formal relations	Supreme Court ruling: ECLI:NL:HR:2000:AA4877
Areas of law	Civil law
Special features	-
Content summary	-
Law references	Dutch Code of Civil Procedure (applies in case of digital litigation) 843a
Sources	Rechtspraak.nl JOL 2000, 112 NJ 2001, 259 with annotation by P. Vlas RvdW 2000, 61

## Findings

Petition No. R98/176HR Strikwerda, LLM  
Public Prosecutor's Office, 22 Nov. 1999, findings in the matter of

1. News International PLC
2. News Publishers Ltd
3. News Datacom Ltd
4. News Cayman Holdings Ltd

versus  
ABN AMRO Bank N.V.

#### Discussion of the principal appeal

10. Section 1 of the grounds attacks ratio decidendi 10 of the disputed order and considers the decision of the Court that Art. 843a of the Dutch Code of Civil Procedure offers no room for imposing an obligation on ABN AMRO to produce the documents referred to in the letters rogatory to be incorrect or at any rate incomprehensible. This section contends that what is at issue are documents that relate to a legal relationship whereby News International c.s. or its legal predecessors are a party, or at least that News International c.s. have a legally relevant interest that should be included in the scope of Art. 843a of the Dutch Code of Civil Procedure.

11. Art. 843a imposes three cumulative requirements on the claim for inspection or submission of a document: (1) the claimant must have a legitimate interest in the inspection or submission of the document, (2) the document must relate to a private documents, and (3) it must involve a private document relating to a legal relationship in which the claimant or its legal successors are a party.

12. The Court ruled that the third requirement was not satisfied in the present case. Insofar as the section also extends to the argument that the Court should have ruled that the other requirements were also not satisfied, it lacks a factual basis.

13. I consider the Court's opinion that News International c.s. cannot be classified as a party in the legal relationship to which the requested bank statements apply to be incorrect, nor incomprehensible.

14. It is generally accepted that the term "private document" within the meaning of Art. 843a of the Dutch Code of Civil Procedure may be granted a broader meaning than would result from Art. 183 of the Dutch Code of Civil Procedure. Documents such as bank statements should thus also be able to be considered under the obligation to produce exhibits under Art. 843a of the Dutch Code of Civil Procedure. On this issue, see Veegens-Wiersma, *Het nieuwe bewijsrecht in burgerlijke zaken Part 2*, Evidence by texts, 1988, p. 115; W.A. Hoyng, *Vier procesrechtelijke wensen*, Schoordijk-bundel, 1991, p. 108; J.M. Barendrecht and W.A.J.P. van den Reek, WPNR 1994, No. 6155, p. 743; Pitlo, *Bewijs*, 7th printing by T.R. Hidma and G.R. Rutgers, 1995, p. 98; J.W. Winter, TVVS 1997, p. 56; W.A.J.P. van den Reek, *Mededelingsplichten in het burgerlijk procesrecht*, diss. KUB, 1997, p. 49/50; A.A.M. Menken, V&O 1998, p. 54; Kluwer's *Burgerlijke Rechtsvordering*, loose-leaf, Art. 843a, note 4 (T.A.W. Sterk).

15. The broad meaning that could be assigned to the term "private document", however, does not detract from the fact that obligation to submit evidence of Art. 843A of the Dutch Code of Civil Procedure merely focuses on documents that have a relationship to a legal relationship in which the claimant is a party. Assuming that legal relationships arising from tort can also be counted among the legal relationships for which Art. 843a of the Dutch Code of Civil Procedure was intended (cf. Winter loc cit; Van den Reek, diss., p. 47; Menken, op cit, p. 54), in my opinion it goes too far to assume that documents relating to a legal relationship between parties that have nothing to do with the tort can be included under the scope of Art. 843a of the Dutch Code of Civil Procedure. If this were different, then the third condition loses its independent meaning alongside the first requirement that the Article imposes, and Art. 843a of the Dutch Code of Civil Procedure would become the basis for a general obligation to produce evidence – and that was obviously not the intent of the legislature. During the general deliberations in the Senate of the Dutch Parliament, the Minister of Justice pointed out (*Parl. Gesch. Nieuw bewijsrecht*, p. 417) that the obligation to produce evidence of Art. 843a and 843b of the Dutch Code of Civil Procedure

"covers the situation that the content of a written piece of evidence is fundamentally known to a party, but that that party does not have it in its possession".

Art. 843a of the Dutch Code of Civil Procedure thus does not offer the possibility of requesting documents where the claimant merely suspects that they could at some point provide support for his arguments. The requirement that the claimant must be a party to the legal relationship to which the requested documents relate obviously has the purpose of heading off such "fishing expeditions" and Art. 843a of the Dutch Code of Civil Procedure therefore cannot be imagined without it. Obviously in the same sense, Asser-Vranken, 1995, No. 24. See also Winter loc cit.

16. It is not incomprehensible that the Court ruled in the present case that the requirement that the claimant must be a party to the legal relationship to which the requested documents relate, which is imposed by Art. 843a of the Dutch Code of Civil Procedure, was not satisfied. The requested bank statements relate to a legal relationship between AMRO BANK on the one hand and the account holders referred to. It is not argued that News International c.s. is a party to this legal relationship. It is likewise not argued that News International c.s. Otherwise has a legal relationship with ABN AMRO or with the account holders. It is specifically not argued that the legal relationship arising from tort, where News International c.s. argues that it is a party along with ABN AMRO or the account holders. It is, after all, not argued that ABN AMRO or the account holders would have acted wrongfully vis-à-vis News International c.s. They are also not a party to the English proceedings. Section 1 fails in my opinion.

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