

6(a)

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 19 Attorneys for Plaintiff  
 UNITED STATES OF AMERICA

20 UNITED STATES DISTRICT COURT

21 FOR THE CENTRAL DISTRICT OF CALIFORNIA

22 UNITED STATES OF AMERICA,  
 23 Plaintiff,  
 24 v.  
 25 ALL RIGHT AND TITLE TO THE  
 26 YACHT M/Y EQUANIMITY,  
 27 Defendant.

No. CV 17-4441 DSF (PLAx)  
 DECLARATION OF JUSTIN MCNAIR IN  
 SUPPORT OF GOVERNMENT'S MOTION FOR  
 PROTECTIVE ORDER UNDER 18 U.S.C §  
 983(j)  
 Date: April 30, 2018  
 Time: 1:30 P.M.  
 Ctrm: 7D  
 Before the Honorable District  
 Judge Dale S. Fischer

28

1 I, Justin McNair, declare as follows:

- 2 1. I am a Special Agent with the Federal Bureau of  
3 Investigation. I have personal knowledge of the facts set  
4 forth in this Declaration and, if called upon as a witness,  
5 could and would testify competently as to the same.  
6
- 7 2. In that role, I have conducted a factual investigation into  
8 the operations, whereabouts, and activities of the M/Y  
9 *Equanimity*, a yacht that the United States is seeking to  
10 forfeit in *United States v. All Right and Title to the Yacht*  
11 *M/Y Equanimity*, (CV 17-4441-DSF-PLAx) (the "Action").  
12
- 13 3. Based on my investigation into the *Equanimity*, I have learned  
14 the following facts:
- 15 a. Low Taek Jho ("Low") sends directives to the  
16 *Equanimity*'s captain via the mobile messaging  
17 application WeChat.
- 18 b. One of Low's directives was to turn off the *Equanimity*'s  
19 Automatic Identification System (AIS) as soon as news  
20 broke about this Action.
- 21 c. While vessels may sometimes turn off their AIS to "hide"  
22 themselves when they are in high-risk territories with  
23 serious pirate concerns, the *Equanimity* was not in a  
24 high-risk territory when it turned off its AIS right  
25 after news broke about this Action.
- 26 d. After news broke of this Action, another directive from  
27 Low to the *Equanimity*'s captain was for the *Equanimity*  
28 to avoid the territorial waters of certain  
jurisdictions, including Australia, Singapore, and the  
U.S., on the ground that entering these jurisdictions  
could cause "major problems." The captain was told to

1 instead keep the *Equanimity* in other jurisdictions, like  
2 Vietnam and Cambodia, that were deemed "safe."

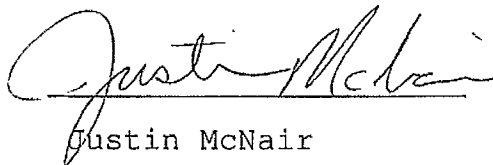
3 e. Low's directives were complied with. For example, the  
4 *Equanimity's* AIS was indeed shut off right after news  
5 broke of this forfeiture action, and the *Equanimity* did  
6 indeed avoid the jurisdictions that Low told the captain  
7 to avoid.

8 4. Attached hereto as Exhibit A is a true and correct copy of an  
9 English-language translation of a court filing that claimants  
10 made in South Jakarta (Indonesia) District Court on March 20,  
11 2018.

12 5. Attached hereto as Exhibit B is a true and correct copy of  
13 excerpts from the publication "Global Superyachts Market:  
14 Analysis by Type (Motor, Sailing, Open, Expedition, Sport  
15 Fishing), by Region, by Country: Opportunities and Forecast  
16 (2017-2022)," published by the market research firm Azoth  
17 Analytics in May 2017.

18  
19 I declare under penalty of perjury of the United States of  
20 America that the foregoing is true and correct.

21  
22 Signed this 26th day of March in New York, NY.

23  
24   
25 Justin McNair

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6(b)

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 26 ALL RIGHT AND TITLE TO THE YACHT  
 M/Y EQUANIMITY,  
 27  
 28 Defendant.

No. CV 17-4441 DSF (PLAx)

NOTICE OF LODGING OF PROTECTIVE  
 ORDER

1 PLEASE TAKE NOTICE that plaintiff, United States of America,  
2 hereby lodges the Proposed Protective Order, which the government  
3 intended to be file as an attachment to its motion for a protective  
4 order under 18 U.S.C. § 983(j), filed March 26, 2018 (Docket No. 36).

5 Dated: March 23, 2018

Respectfully submitted,

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DEBORAH CONNOR  
Acting Chief, MLARS

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NICOLA T. HANNA  
United States Attorney

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10

/s/John J. Kucera

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JONATHAN GALATZAN  
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UNITED STATES OF AMERICA

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