

IN THE FIRST HALL CIVIL COURT

In the acts of Sworn Application no 399/2024 TA in the names:

1. VistaJet Group Holding Limited (C-73543)
2. VistaJet Malta Finance plc (C-70230)
3. VistaJet Limited (C-55231) and
4. Vista Global Holding Limited, a company registered in the United Arab Emirates with reference number 2953

vs

1. Air X Charter Holding Limited (C-59615)
2. Air X Charter Limited (C-59616)
3. John B Matthews (British Passport number 509343308)
4. Debbie Camenzuli (551085M)
5. Daniel Apap (441690M)
6. Houssam Hazzoury (Passport Malti MT132979)
7. Friedrich Baldinger (110854A) and
8. Abigail Bartolo (410085M)

Diff: 4th June 2024

SWORN REPLY OF AIR X CHARTER HOLDING LIMITED (C 59615), AIR X CHARTER LIMITED (C-59616), HOUSSAM HAZZOURY (MALTESE PASSPORT MT132979) IN HIS OWN NAME AND AS SPECIAL MANDATORY OF OF JOHN B MATTHEWS (BRITISH PASSPORT NUMBER 529276436), DEBBIE CAMENZULI (551085M), DANIEL APAP (441690M), FRIEDRICH BALDINGER (110854A) AND ABIGAIL BARTOLO (410085M)

Respectfully submit, Houssam Hazzoury (ID 88123L), confirms on oath the following facts as known to him:

That the plaintiff's requests are manifestly unfounded in fact and at law and should be rejected in their totality, with costs against the plaintiffs for the following reasons:

PRELIMINARY PLEAS

NULLITY OF ACTS

- 1) That preliminarily, the sworn application as filed by the plaintiffs is null and void in terms of Article 789(1)(c) of the Code of Organisation and Civil Procedure, Chapter 12 of the Laws of Malta ("COCP"), as filed on behalf of "Vista Global Holding Limited" in its own name, given that as a foreign company registered in the United Arab Emirates ("UAE"), it is absent from Malta and Gozo, and thus purportedly filed these pleadings without being duly represented by a special attorney for this purpose in terms of Art 180(1) COCP.
- 2) That moreover, and without prejudice to the above, the sworn application as filed by plaintiffs is also null and void in terms of Article 789(1)(d) of the COCP, given that it is defective in the essential particulars expressly prescribed by law, namely, that (i) the sworn application absolutely fails to indicate the legal basis for the plaintiffs' requests (ii) is vague, unsubstantiated and unfounded (iii) there is absolutely no justifiable basis for the fantastical quantum of "at least three hundred eighty six million Euros (€386,000,000)" in purported damages (iv) and this application is abusive, frivolous and vexatious. In light of these defects, the defendants are prejudiced in submitting a substantiated defence given that the lack of clarity in the sworn application precludes the defendants from being exhaustive in their sworn reply, which defect is therefore not capable of remedy under law.

JURISDICTION

- 3) That without prejudice to the above pleas, and with respect to defendant John B. Matthews, the defendants respectfully submit that the Hon. Courts of Malta do not have jurisdiction to try the case against John Matthews, given that the same defendant Matthews is a UK National, resident and domiciled at 3, Hollycraft Avenue, London, England, NW3 7QG, and does not fall within the jurisdictional scope of Art 742, COCP and the Brussels I Recast Regulation

(Regulation EU 1215/2012) which no longer applies to this defendant, following the UK's withdrawal from the European Union.

- 4) That in addition to the above plea on jurisdiction, the defendants also respectfully submit that the case against the rest of the defendants, should also be heard and decided by the English Courts, which are the more appropriate judicial forum for this case to be heard given that in line with Art 742(2) COCP, where a foreign court has concurrent jurisdiction, the Hon. Maltese Courts may in their discretion, declare defendants to be non-suited on the ground that if the action were to continue in Malta it would be vexatious, oppressive or unjust to the defendants. (*forum non conveniens*)

In this respect it is apt to note that the WhatsApp Group "VISTA COMMS" indicated by plaintiffs in their sworn application was opened, administered and controlled by defendant John Matthews, in his personal capacity, and as the main contributor in this Whatsapp Chat, and therefore any proceedings continuing before the Maltese Courts without John Matthews in the suit, would be unjust to the other defendants.

The WhatsApp Chat "VISTA COMMS" was not instigated, mandated, maintained or controlled by Air X Charter Limited and Air X Charter Holding Limited, and in any case, plaintiffs VistaJet themselves have already submitted themselves to the jurisdiction of the English Courts, in making frivolous and vexatious claims of "*unlawful means conspiracy*" and "*unlawful breach of court order*", and requested "*document hold*", in terms of English law, and in legal letters prepared by English lawyers in anticipation of judicial proceedings to be filed in the English Courts. (see Doc AX1)

This is further substantiated by the fact that an important part of the plaintiffs' vague sworn application also purports to seek damages caused following the alleged dissemination of evidence from a UK court file, in alleged breach of a UK Court Order.

Certainly, the English Courts are best placed to determine such matter.

TIME-BAR

- 5) That in any case and without prejudice to the above, the only actions which could be filed by all the plaintiffs (“VistaJet”), against the defendants as the alleged sources of information of international media outlets such as The Wall Street Journal, The Financial Times, CNBC, and others, who have posted news articles regarding VistaJet, are actions for “defamatory libel”, which in Malta would require an action for “trade libel” under Article 16 of the Media and Defamation Act, Chapter 579 of the Laws of Malta, which action is barred by the lapse of 1 year from the date of “*publication*” in terms of Article 18 of the same Media and Defamation Act. The defendants therefore respectfully submit that the plaintiff’s action is also time-barred in this respect.

NON-SUITING (LEGITIMU KUNTRADITTUR)

- 6) That in any case and without prejudice to the above, defendant Air X Charter Holding Limited (C-59615) is set up to act as a holding company to hold shares in Air X Charter Limited, is not an operational entity and has no employees, and therefore can in no way be considered to have caused any damages to anyone, let alone any damages to the plaintiffs VistaJet entities. The defendant Air X Charter Limited should therefore be non-suited.
- 7) That without prejudice to the above, defendant company Air X Charter Limited (C-59616) should also be non-suited given that, as a separate legal entity, it had no involvement in the WhatsApp Chat “VISTA COMMS”, which WhatsApp Chat was opened, administered and controlled by defendant John Matthews, in his personal capacity.
- 8) That moreover, and without prejudice to the above, defendants Debbie Camenzuli, Daniel Apap, Houssam Hazzoury, Friedrich Baldinger, and Abigail Bartolo, are merely employees and/or officials of Air X Charter Limited (and therefore absolutely not “*Traders*” in terms of Article 34(1) of the Commercial Code) which were included in a “Whatsapp Chat” by John Matthews, with little to no involvement in the chat, and were in no way responsible for the alleged dissemination of information to the media outlets, and therefore can in no way be found to have any responsibility towards VistaJet, and should also be non-suited.

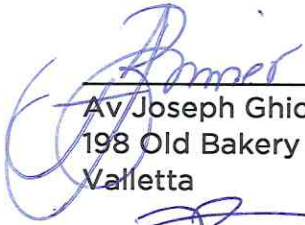
PLEAS ON THE MERITS

- 9) That without prejudice to the above, and in the event that this Hon. Court considers that the applicable law to the case at hand is Article 16 of the Media and Defamation Act (on trade libel), then the plaintiffs need to prove that the information was published by defendants, was false, and that the publication of that information caused them harm.
- 10) That without prejudice to the above, the veracity of the various news reports published by reputable, third party media-houses, allegedly caused through the defendant's "*manipulation*", which have allegedly caused damages "*of at least three hundred eighty six million*" (€386,000,000) to the VistaJet entities, has not been challenged through the exercise of VistaJet's "right of reply" or through actions for defamation in the relevant jurisdictions, and is information which is either already in the public domain, or else was published by VistaJet itself, or by its auditors, accountants and consultants. Therefore, with all due respect, the defendants cannot be found responsible for any damages caused by VistaJet itself (*volenti non fit injuria*).
- 11) That in any case and without prejudice to the above, the defendants and their limited, respective involvement in the private Whatsapp Chat "VISTA COMMS" is not in breach of any provision of Maltese law (including but not limited to Art 34(1) of the Commercial Code) and therefore the defendants can in no way be held responsible for any alleged damages suffered by the VistaJet entities, through articles published by reputable media outlets such as The Financial Times, The Wall Street Journal and others. Any allegation that the defendants were capable of "manipulating" media outlets such as The Wall Street Journal, The Financial Times and Forbes, is non-sensical and refuted in its entirety.
- 12) That without prejudice to the above, and even if, *dato ma non concesso*, damages were indeed suffered by the VistaJet entities, the causal link between the defendants alleged acts or omissions, and the damages suffered is non-existent.
- 13) That in any case, and absolutely without prejudice to the above, the fantastical quantum of damages of AT LEAST (!) €386,000,000 claimed by the plaintiff VistaJet entities is contested in its entirety, and is frivolous, abusive and

vexatious and purely intended to muzzle and “arm-twist” the defendant entities, and its employees into submission.

14) Saving any further pleas permissible at law.


With costs against the plaintiffs and/or any of its mandatories in their personal capacity, as applicable in terms of the tariff at law for a case for damages in the liquidated amount of no less than €386,000.000.



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Av Carl Grech
198 Old Bakery Street
Valletta

PL Katrina Zammit Cuomo

Notifika: Av Nicholas Valenzia / Av Frank Testa, Mamo TCV, Palazzo Pietro Stiges, Strait Street, Valletta

In the First Hall Civil Court

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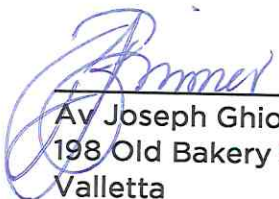
List of Witnesses

1. Mr. Thomas Flohr, Founder and Ultimate Beneficial Owner of VistaJet;
2. Officers, Directors, Shareholders, Representatives, and employees, past and present, of the VistaJet plaintiff companies including but not limited to Nina Nastassja Flohr (Ex-Creative Director of VistaJet), Tobias Schramm (Chief Legal Counsel, VistaJet) Nick Van Der Meer (Chief Operations Officer (COO) Vistajet), Ian Moore (Chief Commercial Office Vistajet), Charlotte Colhoun


(Group Chief Financial Officer Vistajet) Richard Batchelor (Chief Financial Officer Vistajet)

3. All defendants, as well as Officers, Directors, Shareholders, Representatives, and employees, past and present, of Air X Charter Limited and Air X Charter Holding Limited;
4. Prince Phillipos of Greece and Denmark (Hedge Fund Analyst)
5. Floris Helmers (former CEO, Air Hamburg)
6. Richard B. Handler (Jefferies CEO)
7. Jamie Dimon (CEO, JP Morgan Chase since 2006)
8. Directors, Representatives, Shareholders, Employees and Officials, past and present of Helios Ventures FZE including but not limited to Leonidas Loucas and Siyuan Wang
9. Meaghan Wells (CFO TF Holdings)
10. Bill Papariella (Founder of the Jet Edge company)
11. Directors, Representatives, Shareholders, Employees and Officers, Past and present, of The Khan Partnership LLP (48/49 Russell Square, London WC1B 4JP)
12. Simon Johnan (Secretary of Wadlaks Investments Inc)
13. Directors, Representatives, Shareholders, Employees and Officers, past and present, of Rhone Capital including but not limited to Robert Frank Agostinelli and Michael Steven Langman
14. Timothy Piers Horlick, entrepreneur, British venture capitalist
15. Mark Maydaniuk, former CEO of Avmax Aircraft Leasing
16. Directors, Representatives, Shareholders, Employees and Officers, past and present of Dial Partners LLP - 28 Bolton Street, Mayfair, London, W1J 8BP
17. Witnesses in the foreign case *Frontiers Capital I Limited Partnership vs. Thomas Flohr*, including but not limited to Andrew Valmorbida, Erwin Stern, Ingmar Bublik, Peter Huber, Wynton Faure and Lucy Vials (amongst others)
18. Jack May, ex-employee of the defendant companies
19. Robert James Horner (Business partner/Director on companies related to Thomas Flohr)

20. Bing Chen (Business partner/director to companies related to Thomas Flohr)
21. Accountants, Auditors, Financial Advisors, Consultants, Stockbrokers, Bankers, Lenders, Institutional Lenders, Bondholders, Investors and experts, past and present, of the VistaJet plaintiff entities, including but not limited to Export Development Canada , EY Malta, EY Middle East, PwC and others;
22. Journalists, Editors and employees, past and present, including but not limited to The Financial Times, The Wall Street Journal, Bloomberg, Reuters, CNBC, The Shift News, Global Air, Forbes and others;
23. English lawyers (past and present) of the claimant and defendant parties, including but not limited to TaylorWessing LLP and Pannone Corporate LLP;
24. Representatives, Directors, Officers and Consultants, of the company Commdisco;
25. Representatives, Directors and Officers, past and present, of the Credit Rating Agencies, S&P, Fitch, Moodies and others;
26. Civil Aviation Regulators of various countries and jurisdictions;
27. Officers, Directors, Shareholders, Representatives, Consultants and employees, past and present of the Bombardier Inc;
28. Employees and Representatives of META/WhatsApp;
29. Ex parte IT and financial consultants of the defendants;
30. Simon Ebert (Shareholder of Air Hamburg)
31. Jost Hoffman (Managing Director Air Hamburg)
32. Alexander Lipsky (Former shareholder of Air Hamburg)
33. All the plaintiff's witnesses as indicated in the witness list in examination and cross-examination
34. Other witnesses as necessary



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List of Documents:


Doc AX1: Legal letter sent by TaylorWessing LLP (London) to Houssam Hazzoury, Air X Charter Limited dated 21st February 2024



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