

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF CONNECTICUT  
BRIDGEPORT DIVISION**

In re:	
HO WAN KWOK, <i>et al.</i> , <sup>1</sup>	Chapter 11
Debtors.	Case No. 22-50073 (JAM)
	(Jointly Administered)
Pacific Alliance Asia Opportunity Fund L.P.,	
Plaintiff,	
vs.	Adv. Pro. No. 22-05032 (JAM)
Ho Wan Kwok,	
Defendant.	

**JOINT MOTION FOR ENTRY OF AN ORDER HOLDING HO WAN KWOK IN CIVIL  
CONTEMPT FOR FAILURE TO COMPLY WITH  
TEMPORARY RESTRAINING ORDER**

Pacific Alliance Asia Opportunity Fund L.P. (“PAX”) and Luc Despins, as the appointed Chapter 11 Trustee to the Individual Debtor, Kwok’s estate (the “Trustee”), bring this motion (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), pursuant to section 105 of title 11 of the United States Code (the

<sup>1</sup> The Debtors in these chapter 11 cases are Ho Wan Kwok (also known as Guo Wengui, Miles Guo, and Miles Kwok, as well as numerous other aliases) (last four digits of tax identification number: 9595) (“Kwok” or the “Individual Debtor”), Genever Holdings Corporation (“Genever BVI”), and Genever Holdings LLC (last four digits of tax identification number: 8202) (“Genever US”). The mailing address for the Trustee, Genever BVI, and Genever US is Paul Hastings LLP, 200 Park Avenue, New York, NY 10166 c/o Luc A. Despins, as Trustee for the Estate of Ho Wan Kwok (solely for purposes of notices and communications). Citations to the chapter 11 bankruptcy docket are referenced in this motion as “Bankr. ECF” and citations to the docket of this adversary proceeding are referenced as “Adv. Pro. ECF.” Attached to this motion is the November 30, 2022 Declaration of Douglass Barron, referenced hereinafter as the Barron Decl.

“Bankruptcy Code”) and Rule 9014 and 9020 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), holding Kwok in civil contempt for failure to comply with the Court’s *Order Granting Application Temporary Restraining Order*, [Adv. Pro. ECF No. 26] (the “TRO”), and imposing appropriate sanctions until Kwok complies with his obligations under the TRO.<sup>2</sup> In support of this Motion, PAX and the Trustee respectfully state as follows:

**PRELIMINARY STATEMENT**

1. Kwok’s bankruptcy case has come full circle. In February 2022, Kwok sought chapter 11 protection to evade contempt sanctions imposed by the New York State Supreme Court. That court entered a final contempt order after Kwok flouted its orders for more than a year in an effort to keep his assets out of PAX’s reach. Despite seeking this Court’s protection and voluntarily availing himself of its jurisdiction, Kwok continues to demonstrate that he has no respect for the rule of law, as he continues ignoring and blatantly violating the Court’s November 23, 2022 TRO.

2. The TRO enjoined Kwok from, among other things, “encouraging, inciting, [or] suggesting” participation in the protests, or “posting false and harassing online materials about the [Trustee], PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives.”<sup>3</sup> Despite being on notice of the TRO, Kwok continues to violate it. In fact, since it was entered, Kwok and his followers have continued unabated their harassment and smear campaigns both online and in-person in an extra-judicial scheme to dox and intimidate

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<sup>2</sup> Capitalized terms not defined herein have the meanings ascribed to them in the *Motion for an Order (I) Preliminarily Enjoining the Debtor From Publishing Personal Information About Certain Parties and Their Relatives Online (II) Directing the Debtor to Remove Any Such Existing Posts, (III) Granting a Temporary Restraining Order in the Event That the Court Orders a Hearing On This Motion; And (IV) Referring the Debtor’s Conduct to the US Attorney’s Office for the District of Connecticut*, Adv. Pro. ECF No. 3 (the “TRO Motion”).

<sup>3</sup> TRO at 6.

participants in this proceeding and their families, and thwart the Trustee’s work and the orderly administration of the bankruptcy process.

3. *First*, Kwok and his followers have not complied fully with TRO pages 6–7, requiring that all offending and violative social media posts be taken down.<sup>4</sup>

4. *Second*, Kwok’s and his followers’ intimidation efforts have escalated, not ceased. The protests outside of the Trustee’s home have continued, as have the protests outside of homes associated with PAX’s manager PAG’s chairman Shan Weijian, including on Thanksgiving.<sup>5</sup> The rhetoric and vitriol have intensified. For example, on November 24, 2022, Kwok’s New Federal State of China (“NFSC”) posted an online article alleging that in a November 17, 2022 meeting between the Trustee, Kwok, and their respective lawyers, the Trustee tried to bribe and extort Kwok, demanding that he pay the Trustee \$250 million *in his personal capacity*. This absurd and outrageous allegation, which could only have originated with Kwok, who shamelessly violated an agreement he signed to keep the occurrence of the meeting confidential in order to fuel his intimidation campaign, incited an avalanche of threats against the Trustee and his law firm, Paul Hastings. Further, over the Thanksgiving weekend, supporters of Kwok’s NFSC sent emails attaching letters to hundreds of Paul Hastings’

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<sup>4</sup> Kwok and his followers were ordered to take down posts that“(i) contain personal information about the Trustee, PAX or PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses); and (ii) encourage, incite, or suggest protests, harassment, doxing, or similar conduct toward the Trustee, and PAX or PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).” TRO at 6–7.

<sup>5</sup> *See* [REDACTED] (last visited Nov. 29, 2022) (including video showing protestors outside of the Trustee’s home on Nov. 25, 2022); [REDACTED] (last visited Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022) (including livestream videos of protests outside Mr. Shan’s family home); [REDACTED] (last accessed Nov. 29, 2022) (showing livestream video of ongoing protests outside Mr. Shan’s relative’s home); [REDACTED] (showing protesters at [REDACTED] house).

employees, falsely and defamatorily alleging, among other things, that the Trustee tried to extort \$250 million from and threatened physical violence against Chinese dissidents, including a threat to “destroy the entire population of Chinese dissidents.”<sup>6</sup> The letter called for recipients to contact local government officials to encourage an investigation into the Trustee and his law firm and encouraged recipients to follow the Kwok-affiliated GETTR handle @NFSCSpeaks, the handle responsible for posting much of the content relied on by the Court in entering the TRO.<sup>7</sup> And just yesterday, on Tuesday, November 29, supporters of NFSC sent similar false and defamatory messages to more than 100 O’Melveny personnel, calling out two of PAX’s outside counsel by name.<sup>8</sup> What is more, the Trustee has received a harassing and threatening voicemail, cursing at him and ominously threatening that the Trustee’s “*end is so close*.”<sup>9</sup> The Trustee also received other threatening emails, such as one containing no message except for the subject line “*i kill.*”<sup>10</sup>

5. To be clear, these examples, and the ones identified throughout this motion, are just a fraction of the violative and harassing conduct by Kwok and his followers. And publicly available information—including pre-petition lawsuits filed by creditors in this action—reflect that this is not the first time Kwok and his followers have used this kind of vexatious and harassing behavior as a litigation tactic. To the contrary, as described below, Kwok has a history of unleashing his supporters to punish or intimidate online and in person those who challenge him.

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<sup>6</sup> Barron Decl. Ex. 3.

<sup>7</sup> *Id.*

<sup>8</sup> Barron Decl. Ex. 4.

<sup>9</sup> Barron Decl. ¶ 6.

<sup>10</sup> Barron Decl. Ex. 10, (Email to the Trustee dated November 25, 10:55:58).

6. For all of the reasons set forth in this motion, PAX and the Trustee respectfully ask the Court to hold Kwok accountable for his flagrant violations of the TRO by imposing whatever sanction that the Court deems necessary and appropriate to enforce the TRO, protect the Trustee's investigation of Kwok's assets, protect the parties and their counsel, and preserve the integrity of the bankruptcy process.

### **JURISDICTION**

7. This Court has subject matter jurisdiction over this adversary proceeding and this motion under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Pursuant to Bankruptcy Rule 7008, PAX consents to the entry of final orders or a final judgment by the Court in this adversary proceeding. Venue is proper in this District pursuant to 28 U.S.C. § 1409.

### **FACTUAL BACKGROUND**

**A. PAX Brought this Adversary Proceeding to Halt Kwok's Harassing Conduct.**

8. On November 22, 2022, PAX commenced this adversary proceeding and filed the TRO Motion to obtain an order: preventing Kwok, and those acting in concert with him, from posting false and harassing materials about the Trustee, PAX's or PAG's officers or employees, counsel to the Trustee or PAX, and any of their respective relatives; encouraging protests at the homes of the Trustee, PAX's or PAG's officers or employees, counsel to the Trustee or PAX, and any of their respective relatives; and posting these same individuals' personal information.<sup>11</sup> PAX also sought an order requiring Kwok to remove all existing posts containing personal information about those individuals and encouraging such protests.<sup>12</sup> PAX did this because

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<sup>11</sup> *See* Adv. Pro. ECF Nos. 1, 3; Adv. Pro. ECF No. 3 at 2.

<sup>12</sup> *Id.*

Kwok’s activities threatened the integrity of the bankruptcy process in which it is, by far, the largest creditor.

9. On November 22, 2022, PAX also filed an *Ex Parte Motion for Entry of Order to Expedite Hearing, and Limit Notice on Motion for Temporary Restraining Order and Preliminary Injunction* (the “Motion to Expedite”), requesting that the Court shorten the notice period for the hearing on the TRO Motion.<sup>13</sup> The same day, the Court granted the Motion to Expedite in part, and set a hearing on the TRO Motion for November 23, at 11:00 a.m. (the “Order Granting Motion to Expedite”).<sup>14</sup>

10. On November 22, 2022, the Trustee moved to intervene in this adversary proceeding and to join PAX’s TRO Motion.<sup>15</sup> The Court granted the Trustee’s motion.<sup>16</sup>

**B. PAX and the Trustee served Kwok with the TRO Motion and Motion to Expedite.**

11. Bankruptcy Rule 7004 governs service of process in an adversary proceeding. In addition to incorporating Rule 4(e)-(j) of the Federal Rules of Civil Procedure (“Civil Rules”), Bankruptcy Rule 7004(b) provides that “service may be made within the United States by first class mail. . . [u]pon an individual . . . by mailing a copy of the summons and complaint to the individual’s dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.” Further, under Bankruptcy Rule 7004(b)(9) service may be made upon a debtor “by mailing a copy of the summons and complaint to the debtor at the address shown in the petition.”

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<sup>13</sup> Adv. Pro. ECF No. 7.

<sup>14</sup> Adv. Pro. ECF No. 18.

<sup>15</sup> Adv. Pro. ECF No. 9.

<sup>16</sup> Adv. Pro. ECF No. 18.

12. Bankruptcy Rule 7005 incorporates Civil Rule 5 into adversary proceedings and governs service of “pleadings and other papers.” Bankruptcy Rule 7005(b)(2) provides that “a paper is served under this rule by: . . . (C) mailing it to the person’s last known address—in which event service is complete upon mailing.”

13. Both the TRO Motion and the Motion to expedite were served on Kwok and his chapter 11 counsel in compliance with both the Civil Rules and the Bankruptcy Rules.

14. On November 22, 2022, in accordance with the Court’s order and Bankruptcy Rule 7004, counsel for PAX also served Kwok with the TRO Motion and the Order Granting Motion to Expedite by First Class United States mail (postage fully prepaid) and Federal Express overnight delivery to his Connecticut home address.<sup>17</sup> The Federal Express package was delivered on November 23, 2022 at 9:30 a.m. ET.<sup>18</sup>

15. Counsel for PAX also served the TRO Motion and the Order Granting Motion to Expedite on Kwok’s chapter 11 counsel, Zeisler & Zeisler PC (“Zeisler”), by Federal Express overnight delivery on November 22, 2022.<sup>19</sup>

### **C. The Court Granted the TRO**

16. The Court held a hearing on the TRO Motion on November 23, 2022. Kwok’s chapter 11 counsel was present at the hearing, but stated on the record he was not representing Kwok in connection with this adversary proceeding.

17. At the November 23 hearing, PAX’s counsel and the Trustee certified that they made efforts to serve Kwok with notice of the TRO Motion and the Order Granting Motion to Expedite, in compliance with Fed. R. Civ. P. 65(b)(1)(B).

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<sup>17</sup> Adv. Pro. ECF No. 22; Adv. Pro. ECF No. 18 (ordering service of the Order Granting Motion to Expedite).

<sup>18</sup> Adv. Pro. ECF No. 37.

<sup>19</sup> Adv. Pro. ECF No. 22; Barron Decl. Ex. 5.

18. After hearing argument and evidentiary proffers from both PAX’s counsel and the Trustee’s counsel, the Court granted PAX’s motion and entered the TRO, finding that, without it, “imminent irreparable harm to both the Estate and to the integrity of the bankruptcy process is likely.”<sup>20</sup> Specifically, the Court found that because the conduct was threatening and defamatory, it was not protected speech and that if the TRO did not issue, the “safety of the Trustee and PAG’s Chairman and that of their current or former spouses, children, and counsel, will interfere with the Trustee’s investigation into potential assets of the Estate” and “continuing harassment may deter witnesses from assisting with the Trustee’s investigation or deter creditors from filing claims.”<sup>21</sup> The Court also found that the TRO was required to protect the integrity of the bankruptcy process because “intimidation of the Trustee, a court officer . . . and interested parties ‘embarrass[es], burden[s], delay[s] or otherwise impede[s] the reorganization proceedings.’”<sup>22</sup>

19. The TRO enjoined Kwok from: “(1) posting false and harassing online materials about the [Trustee], PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives; (2) publishing online the home addresses and other personal information of the Trustee, PAX’s manager PAG’s Chairman Shan Weijian, PAX’s or PAG’s other officers and employees, and their respective relatives (including identifying relatives’ employers); and (3) encouraging, inciting, suggesting, or directly or indirectly funding protests at the home or office the Trustee, PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).”<sup>23</sup>

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<sup>20</sup> TRO at 4.

<sup>21</sup> *Id.* at 4–5.

<sup>22</sup> *Id.* at 5 (quoting *Lyondell, Chemical Co. v. CenterPoint Energy Gas Services (In re Lyondell Chemical Co.)*, 402 B.R. 571, 490 (Bankr. S.D.N.Y. 2009)).

<sup>23</sup> TRO at 6.



20. Further, the Court forbade Kwok from “interfering in any way with the integrity of his Chapter 11 case, the Chapter 11 cases of Genever Holdings, LLC, and Genever Holdings Corporation, which have been jointly administered in this Court, including taking any act to, and/or directing or encouraging others to take any act that, threatens, or encourages others to threaten the safety of Trustee, PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).”<sup>24</sup> The Court also ordered Kwok to “remove all existing social media posts that (i) contain personal information about the Trustee, PAX or PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses); and (ii) encourage, incite, or suggest protests, harassment, doxing, or similar conduct toward the Trustee, and PAX of PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).”<sup>25</sup> By its terms, the TRO was “immediately effective and enforceable.”<sup>26</sup>

**D. Kwok and His Followers Had Actual Notice of the TRO.**

21. On November 23, 2022, in accordance with the Bankruptcy and Civil Rules, PAX’s counsel served copies of the TRO by First Class United States mail (postage fully prepaid) and by Federal Express overnight delivery by sending copies to (i) Kwok’s home address in Connecticut, (ii) Kwok’s address at the Sherry Netherland Hotel in New York City, and (iii) Kwok’s chapter 11 counsel.<sup>27</sup> The Federal Express package was delivered to the Sherry-Netherland Hotel on November 25, 2022 at 7:21 a.m. ET.<sup>28</sup> In addition, on November 23,

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<sup>24</sup> *Id.*

<sup>25</sup> *Id.* at 6–7.

<sup>26</sup> *Id.* at 7.

<sup>27</sup> Adv. Pro. ECF No. 31.

<sup>28</sup> Adv. Pro. ECF No. 37 (November 24 was Thanksgiving Day).

2022, counsel to the Trustee served copies of the TRO by email on Kwok’s counsels Eric Henzy, Melissa Francis, and Aaron Mitchell.<sup>29</sup>

22. Kwok’s followers have also been on actual notice of the TRO because it was publicized by Kwok and others. For example:

- On November 24, 2022, one of Kwok’s associates, “QMAY,” posted a picture of the TRO, describing it as “against the law.”<sup>30</sup> That post was reposted the same day on the @MilesGuoLive GETTR page.<sup>31</sup>
- On November 25, 2022, the GETTR account named “NFSC TV” with the handle “@miles” posted a video showing the text of and discussing the TRO.<sup>32</sup>
- Also on November 25, 2022, the New Federal State of China’s (“NFSC”) YouTube channel posted a video discussing the TRO.<sup>33</sup>

23. “NFSC” is the “New Federal State of China,” an organization co-founded by Kwok in 2020.<sup>34</sup> Indeed, it was Kwok himself—along with Steve Bannon—who announced the launch of NFSC on social media and in online videos.<sup>35</sup>

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<sup>29</sup> Barron Decl., Ex. 5.

<sup>30</sup> [REDACTED] last accessed Nov. 29, 2022).

<sup>31</sup> *Id.*

<sup>32</sup> [REDACTED] (last accessed Nov. 29, 2022).

<sup>33</sup> [REDACTED] (last accessed Nov. 29, 2022).

<sup>34</sup> That organization works in concert with another Kwok-founded group called the Rule of Law Foundation (“ROLF”). *See* 341 Meeting Tr. at 113:1–115:20 (Kwok admits to being involved in the establishment of ROLF, confirms that the ROLF is associated with the family office address on 64th Street, and testifies that he “did suggest” to family members that they donate to the ROLF, and that his family members and family-controlled enterprises contributed over \$1 million in New York, and more than \$30 million “[f]rom Hong Kong, Japan, and Mainland,” China).

<sup>35</sup> *See, e.g.*, Steve Bannon & Guo “Miles” Wengui Announce New Federal State of China, <https://www.youtube.com/watch?v=BXoXYjloBTc> (last visited Nov. 29, 2022), at 1:03 (showing Kwok and Bannon together announcing that “we chose June 4th as the day for the establishment of the New Federal State of China.”)

**E. Kwok Purportedly Changes his GETTR Handle to Circumvent the TRO.**

24. On November 24, 2022, the day after the TRO was entered, a video was posted on the GETTR account @Miles showing Kwok announcing that he was giving his GETTR page, with its more than 171,000 followers, to his organization NFSC and announcing that he would start another GETTR account.<sup>36</sup>

25. This “transfer” is a clear effort by Kwok to disclaim control over his account, so it can continue to be used to broadcast materials the Court prohibited Kwok from posting to his more than 170,000 followers. There is no evidence Kwok now lacks access to this account and indeed, as Kwok is a co-founder of the NFSC, it seems he essentially gifted the account to himself, by another name.

26. On November 24 2022, Kwok began posting from a newly created GETTR account with the handle @MilesGuo. Both GETTR pages are adorned with the insignia and slogans of Kwok’s organization, the NFSC, making it clear that they are simply multiple platforms from which Kwok can communicate with his followers.

**F. Kwok is Also Connected to a Separate GETTR Account, Created to Broadcast Live Communications from Kwok to His Followers.**

27. Kwok is also linked to the account MilesGuoLive, (handle @MilesGuoLive), which bears his profile picture, and according to its bio, was opened with Kwok’s permission to build a communication platform between Kwok and his followers for live broadcasts.

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<sup>36</sup> See @Miles, GETTR <https://gettr.com/post/plzj1iu4710> (last accessed Nov. 30, 2022) (we understand that Kwok’s statements in this video roughly translate to: “Now due to the court case and the TRO... let’s not call it Miles Guo anymore... don’t want to give you all trouble, change it to NFSC, you guys take it. Don’t use mine, I will open a new account on Gettr and social media. Go follow that account, don’t forget me. This is the platform for NFSC to get rid of the CCP, the account for the NFSC comrades.”)

**G. Kwok and Those Working in Concert with Him Immediately began Violating the TRO.**

28. On November 24, accounts associated with Kwok, including @miles and @MilesGuoLive made dozens of social media posts with “false and harassing online materials” about the Trustee, PAX, PAG, and their counsel and “encouraging, inciting, [and] suggesting” participation in the protests at the office addresses of counsel to the Trustee and PAX. That day alone, those accounts posted:

- links to, and videos discussing, an article entitled “Shocking Bombshell: The Largest Blackmail & Extortion Case in American History,” reflecting scurrilous accusations, that clearly originated with Kwok himself, that the Trustee attempted to bribe and extort Kwok.<sup>37</sup> Among other allegations, the article falsely and defamatorily claimed that at a November 17 meeting between the Trustee and Kwok and their respective counsel, the Trustee offered to “take it easy” on Kwok in the bankruptcy proceeding in exchange for a \$250 million payment to the Trustee personally.<sup>38</sup>

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<sup>37</sup> [REDACTED]. The article states “CCP’s #1 enemy, Luc Despins, the trustee of Miles Guo’s bankruptcy case, proposed a settlement with two options: paying Despins \$250 million personally or eradicating Miles and his family”; [REDACTED] (last accessed Nov. 29, 2022) (discussing the article, repeating its allegations, and accusing the Trustee of extortion); [REDACTED] (last accessed Nov. 29, 2022) (same). [REDACTED] (last visited Nov. 29, 2022). The article was again posted directly from [REDACTED] (last visited Nov. 29, 2022) (sharing the article and accusing the Trustee of extortion).

<sup>38</sup> [REDACTED].

- images and videos of the protests, with captions celebrating the protests and “salut[ing]” protesters.<sup>39</sup> One post applauds a group of protestors for showing up at the Trustee’s house at 8:30 a.m., while another congratulates protesters at PAG’s Chairman’s [REDACTED] house.<sup>40</sup>
- videos of protests at O’Melveny’s and Paul Hastings’s offices, with a caption repeating previous threats that the protests “will last for 90 days.”<sup>41</sup>
- posts attacking Paul Hastings and its personnel, including calling Paul Hastings a “Puppet of the Chinese Communist Party . . . Scum of Society . . . Thief of Pension Funds” and a “running dog raised by the evil Chinese Communist Party!”<sup>42</sup>; accusing Paul Hastings of “helping the Chinese Communist Party build concentration camps in Xinjiang where they have committed genocide for years” and being “accomplices of the CCP in persecuting Chinese citizens”<sup>43</sup>; and asking “Paul Hasting lawyers upstairs, are you starting to get scared? Ever thought there would be today?”<sup>44</sup>

<sup>39</sup> [REDACTED] (last accessed Nov. 29, 2022) (video of protester at different locations captioned, “Bravo!”); [REDACTED] (last visited Nov. 29, 2022) (stating he “salute[s]” protesters at Shan Weijian’s son’s house).

<sup>40</sup> [REDACTED] (last accessed Nov. 29, 2022) (“A group from Connecticut came to Luc’s house at 8:30!”); [REDACTED] (last accessed Nov. 29, 2022) (“This is Shan Weijian’s [REDACTED] home address,” and listing the address).

<sup>41</sup> [REDACTED] (last accessed Nov. 29, 2022) (showing protests at the offices of O’Melveny); [REDACTED] (last accessed Nov. 29, 2022) (sharing video of protests at O’Melveny’s and Paul Hastings offices.) at 2:18-2:20, 2:27-2:30.

<sup>42</sup> [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022).

<sup>43</sup> [REDACTED] (last accessed Nov. 29, 2022).

<sup>44</sup> [REDACTED] (last accessed Nov. 29, 2022).

- posts accusing the PAG’s Chairman, Mr. Shan, of being a “Communist Party spy,” who “frantically steals money from many funds in the United States, such as the California State Teachers’ Retirement System and the Teacher Retirement System of Texas.”<sup>45</sup> One post includes a video, with images of Mr. Shan, claiming he sold U.S. Pension Funds to the CCP and is a “top-ranking spy” for the CCP.<sup>46</sup> Other posts contain pictures of Mr. Shan, along with videos of the protest at the homes of Mr. Shan’s family members, bearing the caption, “[t]he people of the New Federal State of China are protesting peacefully and legally to stop the CCP and its agents from harming the United States, the world, and Chinese compatriots!”<sup>47</sup>
- numerous posts accusing Paul Hastings and O’Melveny of “colluding with the evil CCP, intimidating and persecuting overseas Chinese,” enslaving the Chinese people, persecuting Chinese dissidents, and committing “crime against the Americans.”<sup>48</sup> The posts also accuse Paul Hastings and O’Melveny of “manipulating and playing the American judiciary through corrupt officials in the Department of Justice,” and “colluding with the CCP to erode the “national interests of the United States.”<sup>49</sup>

<sup>45</sup> [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022),

<sup>46</sup> [REDACTED] (last accessed Nov. 29, 2022).

<sup>47</sup> [REDACTED] (last accessed Nov. 29, 2022).

<sup>48</sup> [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022); [REDACTED] (last accessed Nov. 29, 2022).

<sup>49</sup> [REDACTED] @MilesGuoLive, GETTR (Nov. 24, 2022) [REDACTED] (last accessed Nov. 29, 2022).



falsely accused of “threaten[ing] to have US DOJ, court system, IRS, and SEC destroy all Chinese Dissidents.”<sup>54</sup> Another post, reposted by @MilesGuoLive from GETTR handle @NFSCSpeaks, contains a picture of the Trustee with blood dripping from his eyes and mouth, accusing him of threatening to “destroy the entire population of Chinese Americans using his connections at the U.S. court system, DOJ, IRS and SEC” and issuing a “CALL TO ACTION” encouraging viewers to share this false information on social media and contact officials to request an investigation of Paul Hastings and the Trustee.<sup>55</sup> Yet another post, reposted by @miles from @NFSCSpeaks, contains a video with blood spatter over Paul Hastings’s logo, followed by a video of an individual being violently assaulted by a group of people, and the statement Paul Hastings “kills innocent Chinese People.”<sup>56</sup> The video is captioned “Shame on you – Paul Hastings is CCP’s’ running dog” and “an American modern tale of slavery.”<sup>57</sup> There is no legitimate reason to perpetuate such outrageous and false statements about the Trustee and his firm other than to rile up Kwok’s followers to intimidate and harass the Trustee and thwart his duties in this bankruptcy case.

31. On November 26, 2022 supporters of Kwok’s NFSC sent emails to hundreds of Paul Hastings’ personnel, falsely alleging among other things, that the Trustee tried to extort \$250 million from and threatened physical violence against Chinese dissidents and to “destroy the entire population of Chinese dissidents.”<sup>58</sup> The letter called for recipients to contact local

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<sup>54</sup> [REDACTED] (last visited Nov. 29, 2022).

<sup>55</sup> [REDACTED] (last visited Nov. 29, 2022).

<sup>56</sup> [REDACTED] (last visited Nov. 29, 2022).

<sup>57</sup> [REDACTED] (last visited Nov. 29, 2022).

<sup>58</sup> Barron Decl., Ex. 3.



government officials to investigate the Trustee and his law firm and encouraged recipients to follow the Kwok-affiliated GETTR handle @NFSCSpeaks,<sup>59</sup> the handle responsible for posting content relied on by the Court in entering the TRO. On Tuesday, November 29, supporters of NFSC sent similar messages to more than one hundred of O’Melveny’s personnel, identifying two O’Melveny lawyers representing PAX by name.<sup>60</sup>

32. On November 26, the Trustee received a voicemail calling him a “running dog,” cursing at him, and threatening that the Trustee’s “end is so close.”<sup>61</sup>

33. On November 25, 2022, Kwok posted a video captioned “The NFSC Global Alliance will lead all the fellow fighters in joining a class action lawsuit to bring Luc to justice.”<sup>62</sup> In the accompanying video, Kwok’s featured supporters express that they “are grateful that [they] have a founder like Mr. Miles Guo.”<sup>63</sup>

34. Four days later, on November 28, 2022, plaintiffs, who have been referred to as “comrades,” filed two frivolous lawsuits in the Southern District of New York—one against PAG’s Mr. Shan and his son,<sup>64</sup> and the other against the Trustee and Paul Hastings.<sup>65</sup> The GETTR account @MilesGuoLive reposted a screenshot of the complaints.<sup>66</sup> Although the complaints do not include the plaintiffs’ addresses, they do include personal addresses associated

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<sup>59</sup> *Id.*

<sup>60</sup> Barron Decl., Ex. 4.

<sup>61</sup> *Id.* ¶ 6.

<sup>62</sup> [REDACTED] last accessed Nov. 30, 2022).

<sup>63</sup> [REDACTED] (last accessed Nov. 30, 2022).

<sup>64</sup> *Tao An, et al. v. Weijian Shan & Bo Leilei Shan*, Case No. 1:22-cv-10060 (S.D.N.Y. Nov. 28, 2022).

<sup>65</sup> *Tao An, et al., v. Luc A. Despins & Paul Hastings LLP*, Case No. 1:22-cv-10062 (S.D.N.Y. Nov. 28, 2022).

<sup>66</sup> [REDACTED] (last accessed Nov. 30, 2022).

with the named defendants.<sup>67</sup> The vexatious lawsuits are another attempt by the Debtor and those working in concert with him to dox, harass, and intimidate the Trustee and the largest creditor in this action to deter them from pursuing, identifying, and collecting Estate assets.

35. As previewed above, Kwok has a history of engaging in vexatious litigation tactics, including Anti-SLAPP violations, and otherwise seeking to intimidate others who disagree with him.<sup>68</sup> As described in the TRO Motion, he also has a history and practice of online harassment of PAX, PAG, O'Melveny, the Trustee, and Paul Hastings that pre-dates the recent activity. But publicly available information also reflects that Kwok has been engaged in similar egregious behavior against other perceived adversaries. For example, in 2020, Texas Pastor Xiqiu "Bob" Fu ("Fu" or "Mr. Fu") sought and received (on consent) a Preliminary Injunction issued by a court in the Western District of Texas against Kwok and several of his entities, enjoining Kwok from picketing outside the Plaintiff's home, approaching the Plaintiff or his family, or picketing within fifty feet of Plaintiff's place of work.<sup>69</sup> Mr. Fu is a creditor in this bankruptcy case.<sup>70</sup> And in connection with a case in the Southern District of New York, a witness testified under oath that after she resigned from the board of the Rule of Law Society ("ROLS"), Kwok began to "attack" her on the Rule of Law Foundation's ("ROLF") and ROLS's YouTube channels, including saying that she "took lots of money from the Chinese

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<sup>67</sup> See, e.g., Compl. ¶ 15, *Tao An, et al. v. Weijian Shan & Bo Leilei Shan*, Case No. 1:22-cv-10060 (S.D.N.Y. Nov. 28, 2022) (listing residential address for Mr. Shan and Mr. Bo Leilei Shan).

<sup>68</sup> See, e.g., Order and Final Judgment, *Guo v. Cheng*, No. A-18-779172-C (8th Dist. Ct. Nev. June 4, 2020) (Order dismissing Defendant Guo's claims as violations of an Anti-SLAPP statute, and imposing costs, fees, and additional damages as a deterrent, as provided by the law). Mr. Cheng is one of Mr. Kwok's creditors in this bankruptcy. Proof of Claim 4-1, *In re Kwok*, Case No. 22-50073 (May 20, 2022).

<sup>69</sup> See Order Granting Motion for Agreed Preliminary Injunction, *Xiqiu Fu v. Guo Wengui*, Case No. 7:20-cv-00257-DC (W.D. Tex. Feb. 2, 2021), ECF No. 44.

<sup>70</sup> See Proof of Claim No. 8-1, *In re Kwok*, Case No. 22-50073 (May 20, 2022).

intelligence.”<sup>71</sup> She further testified that she “received physical threats from Mr. Guo” when he publicized lists of dozens of names on his social media” and that he spent “a whole hour on his social media platform attacking” her on “the day the court case began.”<sup>72</sup>

36. Also historically consistent with his playbook, Kwok appears to be either directly or indirectly funding the current protests against the Trustee, PAG, and their counsel and families.<sup>73</sup> On November 26, 2022, Kwok appeared in a YouTube video and acknowledged that protest-related expenses are being funded by ROLF, a non-profit group founded by Kwok.<sup>74</sup> In the video, Kwok explains that, through ROLF, “[w]e have been helping fellow fighters with legal issues, printing anti-communism materials, and materials about CCP’s military intelligence, all types of materials.”<sup>75</sup> Kwok also says that he himself has no money but that ROLF has the “cleanest money” that can be used to support the cause.<sup>76</sup> Kwok also said in an earlier video, where he explained to his supporters “tricks” to deal with subpoenas, including “if not delivered, it’ll be invalid,” that “if you are stupid and the subpoena has been delivered. . . . the Rule of Law Foundation will hire a lawyer (for you).”<sup>77</sup>

<sup>71</sup> *Eastern Profit Corp., Ltd. v. Strategic Vision US LLC*, Case No. 18-cv-2185 (S.D.N.Y. April 22, 2021). Trial Tr. at 779:22–780:11.

<sup>72</sup> *Id.* at 780:24–783:14.

<sup>73</sup> *Id.* at 782:3–7 (testimony that Defendant Guo paid dozens of protestors to demonstrate outside of Fu’s house for weeks, forcing Fu to eventually move out of the house); *see also* Dan Friedman, *A Fugitive Chinese Tycoon Met Steve Bannon. Misinformation Mayhem Ensued*, Mother Jones (March/April 2022, issue) <https://www.motherjones.com/politics/2022/02/guo-wengui-miles-guo-gettr-steve-bannon/> (Kwok “promised to pay protestors generally \$200 per day” for previous protests).

<sup>74</sup> [REDACTED] (last visited Nov. 30, 2022) at 0:36 (stating that the protests are funded by a “donation from all of our fellow fighters,” “it’s called a NGO (Rule of Law Foundation)”) (Google Translate translates the title of this video as “Rule of Law Fund Funds Protests (English subtitles)”).

<sup>75</sup> *See id.* at 0:53

<sup>76</sup> *See id.* at 1:25.

<sup>77</sup> [REDACTED] (Counsel to the Trustee has confirmed the accuracy of the subtitles of this video).

37. Indeed, this just a small part of the evidence suggesting that ROLF is merely an appendage of Kwok and, to the degree it can even considered legally separate, has acted in concert with him in connection with violating the Temporary Restraining Order. ROLF shares an address with numerous Kwok entities, which is also the address Kwok listed on his chapter 11 petition.<sup>78</sup> Kwok himself announced in 2018 that he was donating \$100 million to a “Rule of Law Fund,”<sup>79</sup> and Kwok’s leadership role at ROLF is clear from its website, which features Kwok prominently.<sup>80</sup> According to public filings, Kwok’s associates are counted among ROLF’s officers, including Max Krasner, who has served as a representative of various Kwok-related entities.<sup>81</sup> Kwok’s accountancy firm, Janover, even prepared ROLF’s publicly available tax forms.<sup>82</sup> We reserve all rights to assert claims against ROLF for acting in concert with Kwok by, among other things, financing the protesters.<sup>83</sup>

38. Likewise, Kwok has a track record of inciting protests, at least two of which culminated in violence.<sup>84</sup>

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<sup>78</sup> Barron Decl., Exs. 8, 9 (listing ROLF’s address as 162 East 64 St); Bankr. ECF No. 1 at 2 (answering the question “where you live” with 162 East 64th Street c/o Golden Spring (New York) Ltd.)

<sup>79</sup> The Washington Free Beacon, *Chinese Billionaire to Create \$100 Million Fund to Aid Victims of Communist Purge* <https://freebeacon.com/national-security/chinese-billionaire-create-100-million-fund-aid-victims-communist-purge/> (last visited Nov. 30, 2022).

<sup>80</sup> Rule of Law Foundation, <https://www.rolfoundation.org/> (last accessed Nov. 30, 2022).

<sup>81</sup> Barron Decl. Ex. 7, n. 19 (Krasner’s roles have included, among others, serving as representative of Greenwich Land in connection with certain property transactions, as incorporator of GTV Media Group, Inc. (a subsidiary of Saraca), and as director and officer of Infinity Treasure Management, intermediate parent company of Lamp Capital.)

<sup>82</sup> Barron Decl., Ex. 8 at 4.

<sup>83</sup> In addition, the Trustee has received other documents in discovery relevant to the issue of Kwok’s connection to ROLF which are not discussed herein due to issues of confidentiality and/or privilege, but which may be raised in the future to supplement the evidentiary record.

<sup>84</sup> See, e.g., Joanna Chiu, *These ‘citizens’ from Steve Bannon and a Chinese billionaire’s ‘federal state’ have been protesting in a Metro Vancouver cul-de-sac for nearly 50 days. What do they want?*, The Star (Oct. 31, 2020), <https://www.thestar.com/news/canada/2020/10/31/these-citizens-from-stephen-bannon-and-a-chinese-billionaires-federal-state-have-been-protesting-in-a-metro-vancouver-cul-de-sac-for-nearly-50-days-what-do-they-want.html>; see also *After brutal beating of friend, the target of Steve Bannon’s protest group will sue police and City of Surrey for ‘failing to protect neighbourhood’*, The Star (Nov. 26, 2020), <https://www.thestar.com/news/canada/2020/11/26/after-brutal-beating-of-friend-the->

39. And there is also voluminous evidence demonstrating that the protestors active in the New York City area, and likely elsewhere as well, are close followers or collaborators of Kwok. Video and photographic evidence shows the same individuals encouraging the protests, participating in the protests, and meeting with Kwok at the Sherry Netherland or elsewhere.<sup>85</sup>

### ARGUMENT

#### **A. Legal Standard.**

40. The Court has “inherent contempt power to enforce compliance with its orders.” *U.S. Lines, Inc. v. GAC Marine Fuels, Ltd. (In re McLean Indus.)*, 68 B.R. 690, 695 (Bankr. S.D.N.Y. 1986); *see also Anderson v. Credit One Bank, N.A. (In re Anderson)*, 641 B.R. 1, 51 (Bankr. S.D.N.Y. 2022) (discussing bankruptcy court’s “inherent civil contempt power” to enforce compliance with its own orders.).

41. Further, Bankruptcy Code section 105(a) is a separate “source of power along with the Court’s inherent contempt power to issue ‘any order necessary or appropriate to carry

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[target-of-steve-bannons-protest-group-will-sue-police-and-city-of-surrey-for-failing-to-protect-neighbourhood.html](#); Dan Friedman, A Fugitive Chinese Tycoon Met Steve Bannon. Misinformation Mayhem Ensued, Mother Jones (March/April 2022, issue) <https://www.motherjones.com/politics/2022/02/guo-wengui-miles-guo-gettr-steve-bannon/> (“At least two Guo-inspired protests have led to violence.”)

<sup>85</sup> For example, the Kwok supporter known as “Prince” appears at a meeting with Kwok in a video published on his Gettr account. [REDACTED] (last accessed Nov. 30-, 2022). He also appears at protests in [REDACTED]

[REDACTED] (last accessed Nov. 30, 2022); [REDACTED]

[REDACTED] (last accessed Nov. 30, 2022).

“Prince” was also co-host of the videos discussed in the Trustee’s Statement filed on November 21, 2022. Bankr. ECF No. 1133. For another example, the two male, bespectacled Kwok supporters can be seen visiting and dining with Kwok at the Sherry Netherland in multiple YouTube videos. [REDACTED]

[REDACTED] Those individuals can also be seen participating at protests at Paul Hastings’ office, and “analyzing” the text of the TRO for Kwok’s supporters. *See* YouTube, [REDACTED] (last accessed Nov. 30, 2022);

[REDACTED] (last accessed Nov. 30, 2022) at 1:19.

out” the provisions of the bankruptcy Code. *Anderson*, 641 B.R. at 51.; 11 U.S.C. § 105(a). Under section 105(a), the Court has the authority to hold a party in contempt, which “inherently include[s] the ability to sanction a party.” *In re Dickerson*, No. 08-33071, 2009 WL 4666457, at \*9 (Bankr. N.D.N.Y. Dec. 8, 2009) (internal quotations omitted) (quoting *Ameriquest Mortgage Co. v. Nosek (In re Nosek)*, 544 F.3d 34, 43–44 (1st Cir. 2008)); *see also Maritime Asbestosis Legal Clinic v. LTV Steel Co. (In re Chauteaugay Corp.)*, 920 F.2d 183, 187 (2d. Cir. 1990); *In re Ditech Holding Corp.*, No. 19-10412 (JLG), 2021 WL 3716398, at \*7 (Bankr. S.D.N.Y. Aug. 20, 2021); *In re Bambi*, 492 B.R. 183, 191 (Bankr. S.D.N.Y. 2013). In addition, Bankruptcy Rule 9020 expressly contemplates that a bankruptcy court may issue an order of contempt under the appropriate circumstances.

42. A party “may be held in civil contempt for failure to comply with a court order if (1) the order the contemnor failed to comply with is clear and unambiguous, (2) the proof of noncompliance is clear and convincing, and (3) the contemnor has not diligently attempted to comply in a reasonable manner. It need not be established that the violation was willful.” *Paramedics Electromedicina Comercial, Ltda v. GE Medical Sys. Info. Techs., Inc.*, 369 F.3d 645, 655 (2d Cir. 2004) (internal quotation marks and citation omitted). Rather, sanctions for contempt can be imposed “provided the actions were ‘substantial’ and the contemnor has ‘failed to energetically police compliance.’” *Lavatec Laundry Tech. GmbH v. Voss Laundry Sols.*, No. 3:13-CV-00056 (SRU), 2018 WL 2426655, at \*10 (D. Conn. Jan. 9, 2018)

43. Sanctions for civil contempt “may be imposed both to coerce future compliance with a court order issued for another party’s benefit and to ‘compensate for any harm that previously resulted’ from the noncompliance.” *In re 1990’s Caterers Ltd.*, 531 B.R. 309, 319 (Bankr. E.D.N.Y. 2015) (quoting *In re Chief Exec. Officers Clubs, Inc.*, 359 B.R. 527, 53 (Bankr.

S.D.N.Y. 2007)). The sanctions a bankruptcy court may impose in response to civil contempt are “many and varied.” *In re Vaso Active Pharms., Inc.*, 514 B.R. 416, 42 (Bankr. D. Del. 2014) (citation omitted). Courts have “broad discretion to design a remedy that will bring about compliance.” *Paramedics Electromedicina*, 369 F.3d at 657. In this regard, the court may also “award[] attorneys’ fees and costs to a contempt victim.” *Al Hirschfeld Found. v. Margo Feiden Galleries Ltd.*, 438 F. Supp. 3d. 203, 208 (S.D.N.Y. 2020).

**B. The TRO’s Terms are Clear and Unambiguous.**

44. An order is “clear and unambiguous” where it is “specific and definite enough to apprise those within its scope of the conduct that is being proscribed” or required. *Patsy’s Brand, Inc. v. I.O.B. Realty, Inc.*, No. 99-CV-10175 (KMW), 2021 WL 3418475, at \*4 (S.D.N.Y. Aug. 5, 2021). The TRO here is clear and unambiguous as it “set[s] forth specific steps that [Kwok] was required to take,” *Paramedics Electromedicina*, 369 F.3d at 657. The TRO requires Kwok to “remove all existing social media posts that (i) contain personal information about the Trustee, PAX or PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses); and (ii) encourage, incite, or suggest protests, harassment, doxing, or similar conduct toward the Trustee, and PAX of PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).”<sup>86</sup>

45. Further, the TRO “specifically enjoin[s] [Kwok] from” taking certain acts. *Lavatec Laundry Tech.*, 2018 WL 2426655, at \*10. It clearly specifies that Kwok is proscribed from posting “false and harassing online materials about the [Trustee], PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX” and from “encouraging, inciting, [or] suggesting, .

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<sup>86</sup> TRO at 6–7.

. . . protests at the home or office the Trustee, PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX.”<sup>87</sup>

**C. The Proof of Kwok’s Non-Compliance is Clear and Convincing.**

46. Kwok’s social media posts after he was served with the TRO are clear and convincing evidence of his blatant refusal to comply with the TRO and the rule of law. “Proof of noncompliance is ‘clear and convincing’ when the evidence demonstrates to a ‘reasonable certainty’ that a violation occurred.” *Patsy’s Brand, Inc.*, 2021 WL 3418475, at \*5. Kwok has not attempted to hide his non-compliance with the TRO. Instead, he has publicly flouted the TRO by posting materials on his social media accounts that the TRO specifically addresses.

47. *First*, Kwok has not removed the social media posts PAX cited in the TRO Motion.<sup>88</sup> The TRO unambiguously directed Kwok to “remove all existing social media posts that (i) contain personal information about the Trustee, PAX or PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses); and (ii) encourage, incite, or suggest protests, harassment, doxing, or similar conduct toward the

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<sup>87</sup> *Id.* at 6.

<sup>88</sup> *See e.g.*, [REDACTED] (last visited Nov. 30, 2022) (accusing Paul Hastings and O’Melveny lawyers by name of colluding with the CCP); [REDACTED] (including images of [REDACTED] and the Trustee photoshopped in CCP uniform and captioned “We all want to be [REDACTED] Luc Despins is aiding and abetting CCP, world’s most vicious dictatorship, to persecute the Chinese people.”); [REDACTED] (36-minute November 16 video that contains numerous attacks against PAX, Mr. Shan, the Trustee, and the Trustee’s law firm Paul Hastings); *cf.* TRO Mot. at 13–14 (enumerating falsehoods in the November 16 video); [REDACTED] last visited Nov. 30, 2022) (a 2 hour, 17 minute video including protests footage, entitled “say no to evil”); [REDACTED] (“American law practitioners at O’Melveny & Myers would have assisted Nazi to build Auschwitz concentration camps during WWII as how they are aiding the CCP to persecute the Chinese people.” The post also names four O’Melveny attorneys and calls O’Melveny “a despicable [sic] aider and abettor of tyranny”).



Trustee, and PAX of PAG officers or employees, counsel to the Trustee or PAX, and any of their respective relatives (including former spouses).”<sup>89</sup>

48. *Second*, Kwok has ignored the Court’s directive that enjoined him from “encouraging, inciting, [or] suggesting, . . . protests at the home or office the Trustee, PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives.”<sup>90</sup> In the one week since the Court entered the TRO, Kwok has posted dozens of times on social media, celebrating and sharing footage of the protests. The posts applaud and “salute” the protesters, congratulate protestors for turning up at the homes of the Trustee and the PAG Chairman’s [REDACTED], and share the addresses of O’Melveny and Paul Hastings offices, along with footage and videos of the NFSC reporting on the protests.<sup>91</sup> The posts even taunt Paul Hastings employees, asking if they are “starting to get scared?”<sup>92</sup> In one disturbing video, an NFSC protestor chases a Paul Hastings partner up the escalator to his office building, chanting “take down the CCP.” Kwok captioned this post “spread . . . expose Spread . . . Speak for the Chinese people!”<sup>93</sup>

49. *Third*, Kwok has ignored the TRO’s directive enjoining him from posting “false and harassing online materials about the [Trustee], PAX’s or PAG’s officers or employees, counsel to the Trustee or PAX, and any of their respective relatives.” Since the TRO was

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<sup>89</sup> TRO at 6–7.

<sup>90</sup> *Id.*

<sup>91</sup> [REDACTED] (last accessed Nov. 30, 2022) (captioned, “Bravo!”); [REDACTED] (last accessed Nov. 30, 2022) (stating he “salute[s]” protesters at Shan Weijian’s [REDACTED] house); [REDACTED] (last accessed Nov. 29, 2022) (now deleted post showing livestream video of ongoing protests outside Mr. Shan’s relatives’ homes).

<sup>92</sup> [REDACTED] (last accessed Nov. 30, 2022).

<sup>93</sup> [REDACTED] (last accessed Nov. 30, 2022).

entered, Kwok has, among other things, falsely accused (i) the Trustee of extortion and bribery, claiming the Trustee offered to manipulate Kwok’s bankruptcy proceedings in Kwok’s favor in exchange of a personal payment of \$250 million to the Trustee; (ii) PAG’s Chairman of being a communist party spy and stealing from retirement funds; (iii) O’Melveny and Paul Hastings of colluding with the CCP to persecute Chinese dissidents, commit crimes against Americans, and manipulate the judicial system; and (iv) Paul Hastings of being a “Puppet of the Chinese Communist Party . . . Scum of Society . . . Thief of Pension Funds,” “helping the Chinese Communist Party build concentration camps” in China, and threatening to destroy the entire population of Chinese Americans.<sup>94</sup> And accusing Paul Hastings of “kill[ing] innocent Chinese people.”<sup>95</sup>

50. *Fourth*, Kwok has violated the Court’s prohibition on him “interfering in any way with the integrity of his Chapter 11 case.” As the Court found, Kwok’s harassing social media campaign threatens “imminent irreparable harm to both the Estate and to the integrity of the bankruptcy process,” interferes with the Trustee’s investigation of potential assets of the estate, and “embarrass[es], burden[s], and delay[s] or otherwise impede[s] the reorganization proceedings.” Yet Kwok continues to undermine these chapter 11 proceedings by spreading false and inflammatory statements about the Trustee, PAX, and their counsel, by encouraging

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<sup>94</sup> [REDACTED] (last accessed Nov. 29, 2022) (discussing the article accusing the Trustee of extortion); [REDACTED] (last accessed Nov. 29, 2022) (same); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022); [REDACTED] (last accessed Nov. 30, 2022).

[REDACTED] (last accessed Nov. 30, 2022).

picketing outside the offices of Paul Hastings and O’Melveny, and by harassing their employees.<sup>96</sup> In one particularly glaring attempt to halt the Trustee’s investigations, Kwok posted videos which issue a “call to action,” encouraging followers to share false information about the Trustee on social media and to contact officials to request an investigation of Paul Hastings and the Trustee.<sup>97</sup> By continuing, and indeed escalating, his harassment campaign, Kwok is directly and indirectly propagating those threats to the chapter 11 process.

**D. Kwok Has Failed to Diligently Comply With the TRO in a Reasonable Manner.**

51. As shown above, there is no evidence that Debtor has made any effort—much less a diligent effort—to comply with the TRO. To the contrary, Debtor has been violating the TRO almost from the moment it was entered.

52. In fact, Kwok has expressed his disdain for the Court’s authority by sharing a post describing the TRO as “against the law.”<sup>98</sup> Kwok’s abusive campaign shows no signs of abating and the evidence demonstrates he has no intention of complying with the TRO. These actions do “not remotely satisfy [Kwok’s] duty to make diligent and energetic efforts to comply.” *Lavatec Laundry Tech.*, 2018 WL 2426655, at \*10 (internal citation omitted).

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<sup>96</sup> [REDACTED] (last accessed Nov. 29, 2022) (showing video discussing the article accusing the Trustee of extortion and repeating its allegations); [REDACTED] (last visited Nov. 30, 2022) (accusing Paul Hastings and O’Melveny of colluding with the CCP to persecute Chinese dissidents); [REDACTED] (showing protests at the offices of O’Melveny and Paul Hastings); [REDACTED] (last accessed Nov. 29, 2022) (sharing video of protests at O’Melveny’s and Paul Hastings offices.) from 2:18.; supra ¶¶ 31–32.

<sup>97</sup> [REDACTED] (last accessed Nov. 30, 2022).

<sup>98</sup> [REDACTED] (last accessed Nov. 30, 2022)..

**CONCLUSION**

53. For all these reasons, the Court should hold Kwok in contempt and impose whatever sanction it deems appropriate to redress Kwok's contemptuous behavior.

Dated: November 30, 2022  
Hartford, Connecticut

**LUC A. DESPINS,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2022, a copy of the foregoing was filed electronically through the Court's CM/ECF System. Notice of this filing will be sent by e-mail to all parties receiving notice by operation of the court's electronic filing system. Parties in interest may access this filing through the Court's CM/ECF System.

/s/ Patrick M. Birney  
Patrick M. Birney