

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE APPLICATION OF  
CHANGPENG ZHAO FOR AN ORDER  
TO TAKE DISCOVERY FOR USE IN A  
FOREIGN PROCEEDING PURSUANT  
TO 28 U.S.C. § 1782

Case No. \_\_\_\_ Misc. \_\_\_\_

**DECLARATION OF NATALIE NG IN SUPPORT OF  
PETITION FOR DISCOVERY FOR USE IN A FOREIGN PROCEEDING  
PURSUANT TO 28 U.S.C. § 1782**

Pursuant to 28 U.S.C. § 1746, I, Natalie Ng, declare under the penalty of perjury that the following is true and correct:

1. I respectfully submit this declaration in support of an application under 28 U.S.C. § 1782 for an order to obtain limited discovery from Bloomberg L.P. and Bloomberg Inc. (collectively, “Respondents”) in aid of a pending litigation which Petitioner Changpeng Zhao (“Zhao”) has brought against Modern Media Company Limited (“Modern Media CL”) before the Hong Kong Court of First Instance (the “Hong Kong Court”) for defamatory statements made against him.

2. To the extent the contents of my declaration are within my personal knowledge, they are true and accurate. To the extent the contents of my declaration are not within my personal knowledge, they are true to the best of my current knowledge, information and belief.

**A. The Original Article by Bloomberg *Businessweek***

3. Zhao is the founder and Chief Executive Officer of Binance, a cryptocurrency exchange. I am a Legal Counsel for Binance.

4. In or around March 2022, Zhao was approached to have an interview with *Bloomberg Businessweek*, which I understand to be a magazine published by Bloomberg L.P.. Zhao agreed, and I understand that he was subsequently interviewed by *Bloomberg Businessweek* over the phone on or around March 11, 2022, and in-person on or around May 16, 2022. *Bloomberg Businessweek* later published its article about Zhao on June 23, 2022 (the “Original Article”), with the title “Can Crypto’s Richest Man Stand the Cold?”.<sup>1</sup>

5. Surprisingly, the Original Article contained several serious and defamatory allegations made against Binance and Zhao that were completely unsubstantiated, and were

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<sup>1</sup> See attached as **Exhibit A**, a true and correct copy of the Original Article published on June 23, 2022.

obviously designed to mislead readers into believing that Binance and Zhao had been engaging in illegal or unsavory activities. For example, and among other allegations:

- (i) The Original Article alleged that “[m]oney laundering, fraud, and hacking have been part of the industry’s history, and even the most respectable crypto projects can seem, to the non-laser-eyed, lightly dusted with sketch.” It went on to state immediately in the next sentence that “at Binance the sketchiness has a certain completeness to it.”<sup>2</sup> This unsubstantiated statement was clearly meant to suggest to readers that Binance (and the rest of the cryptocurrency industry at large) was involved in illegal and sketchy activities such as money laundering, fraud, and hacking.
- (ii) The Original Article further claimed that “Binance, says a trader who uses the exchange, is “a massive shitcoin casino.””<sup>3</sup> No basis was provided for the allegation that Binance is a “massive shitcoin casino,” and no attempts were made in the Original Article to identify or verify the identity of this supposed “trader.”
- (iii) The Original Article also alleged without basis that “[t]oday [Binance] is, simultaneously, an exchange, a brokerage, a savings bank, a venture capital investor, a data provider, and a “shitcoin casino” operator.”<sup>4</sup>

#### **B. The publication of the Original Article in the traditional Chinese-language version of *Bloomberg Businessweek***

6. The Original Article was subsequently translated into the Chinese language and published as the cover story of the Chinese edition of *Bloomberg Businessweek*’s 250th issue (the “Translated Article”) on July 6, 2022.<sup>5</sup> By way of background, I understand that the Chinese edition of *Bloomberg Businessweek* is published jointly by Bloomberg L.P. and the Hong Kong-listed Modern Media.<sup>6</sup> I further understand from publicly-available reports that Modern Media Holdings Limited, the entity that was apparently given the license to publish Bloomberg’s content in the Chinese edition of *Bloomberg Businessweek*,<sup>7</sup> has since changed

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See attached **Exhibit B**, a true and correct copy of the Translated Article in the 250th issue of the Chinese edition of *Bloomberg Businessweek*, pp 34-41.

<sup>6</sup> See attached **Exhibit C**, a screenshot taken of the website of the Chinese edition of *Bloomberg Businessweek* at <http://www.bbwhkevent.com/about>. The description published on this website of the Chinese edition of *Bloomberg Businessweek* states that “[t]he magazine is built on the agreement between Bloomberg LP in New York and Hong Kong-listed Modern Media”. See also **Exhibit B**, p 3, which sets out the information of the publisher.

<sup>7</sup> See attached **Exhibit D**, a screenshot of a press release on Bloomberg’s website dated June 24, 2013, which states that it has a licensing agreement with Modern Media Holdings Limited to publish a traditional Chinese-language edition of *Bloomberg Businessweek* in Hong Kong (<https://www.bloomberg.com/company/press/bloomberg-businessweek-expands-in-asia-2/>).

its name to Meta Media Holdings Limited;<sup>8</sup> Meta Media Holdings Limited in turn fully owns Modern Media CL.<sup>9</sup>

7. Notably, although the content of the Translated Article was a translation of the Original Article (and included the allegations listed above), it was surprising to find that the title of the Translated Article had disingenuously been changed to read “趙長鵬的龐氏騙局”, which directly translates to “ZHAO Changpeng’s Ponzi Scheme” (the “Translated Article’s Title”).<sup>10</sup> Further, the Translated Article’s Title was splashed across Zhao’s photograph, which had been made the cover page of the Chinese edition of *Bloomberg Businessweek*’s 250th issue.<sup>11</sup> No evidence was put forth to even remotely substantiate the allegation that Zhao was running or involved in a Ponzi scheme.

8. To my understanding, the Chinese edition of *Bloomberg Businessweek*’s 250th issue was sent for hardcopy publication and/or circulation on or around July 6, 2022, and hardcopies of the magazine with Zhao’s photograph and the Translated Article’s Title on the cover were put on sale on newsstands around Hong Kong from July 7, 2022 onwards.<sup>12</sup> The same magazine was also put on sale at various online websites, with the Translated Article’s Title and Zhao’s photograph clearly visible in the listing of the digital edition.<sup>13</sup>

9. That was not all. Content relating to the Translated Article was also posted on other *Bloomberg Businessweek* social media channels, including on the Facebook page and Twitter account of the Chinese edition of *Bloomberg Businessweek*. The header of the Chinese edition of *Bloomberg Businessweek*’s Facebook page was changed to display a photograph of the cover containing Zhao’s photograph and the Translated Article’s Title,<sup>14</sup> while the Twitter account of the Chinese edition of *Bloomberg Businessweek* (@BloombergBWCN) sent a tweet which included only an image of the cover of the Chinese edition of *Bloomberg Businessweek*’s 250th issue (i.e., Zhao’s photograph with the Translated Article’s Title), with no further qualification, content or link to the contents of the Translated Article.<sup>15</sup> These social media

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<sup>8</sup> See attached **Exhibit E**, a true and correct copy of an announcement from Meta Media Holdings Limited filed with the Stock Exchange of Hong Kong that the name of Modern Media Holdings Limited had been changed to Meta Media Holdings Limited.

<sup>9</sup> See attached **Exhibit F**, a true and correct copy of Meta Media Holdings Limited’s Annual Report 2021, p 162.

<sup>10</sup> See **Exhibit B**, cover page.

<sup>11</sup> *Id.*

<sup>12</sup> See attached **Exhibit H**, photographs of the Chinese edition of *Bloomberg Businessweek*’s 250th issue on sale on various newsstands around Hong Kong captured between July 7-8, 2022.

<sup>13</sup> See **Exhibit I**, screenshots of various online websites (captured between July 7-8, 2022) selling the Chinese edition of *Bloomberg Businessweek*’s 250th issue with the cover page showing the Translated Article’s Title.

<sup>14</sup> See **Exhibit J**, screenshots of the Facebook page of the Chinese edition of *Bloomberg Businessweek* on July 6, 2022.

<sup>15</sup> See attached **Exhibit G**, a screenshot captured on July 6, 2022, of a tweet sent from the Twitter account of the Chinese edition of *Bloomberg Businessweek* (@BloombergBWCN). This tweet has since been deleted. (<https://twitter.com/BloombergBWCN/status/1544471189111934977>)

posts by the Chinese edition of *Bloomberg Businessweek* are also defamatory (the “Defamatory Social Media Posts”).<sup>16</sup>

10. The immediate social media response by the general public to the Translated Article was swift. Between July 6 and July 8, 2022, there were several social media posts referencing the Translated Article.<sup>17</sup> In particular, a number of users had made social media posts suggesting that Zhao had been made a “scapegoat” (translated), while others opined that the Translated Article’s Title “did not look too good” (translated).<sup>18</sup> Some social media posts also repeated the language used in the Translated Article to suggest that Binance and Zhao were involved in a Ponzi scheme.<sup>19</sup>

11. The Translated Article was also discussed on third-party news sites, such as Blocktempo, a leading Chinese-language media outlet that discusses cryptocurrency matters. Notably, on July 17, 2022, Blocktempo published an article on its website with the headline “The Chinese edition of *Bloomberg Businessweek* changes the headline ‘ZHAO Changpeng’s Ponzi Scheme’! What secrets did they discover about Binance?” (translated).<sup>20</sup>

### C. Zhao’s correspondence with Modern Media regarding the Original Article and the Translated Article’s Title

12. Given the immediate damage caused by the allegations in the Original Article read with the Translated Article’s Title on Zhao’s reputation, Zhao took immediate steps to reach out to the editors of *Bloomberg Businessweek* and Modern Media for remedial action. In that regard, on July 6, 2022, Binance’s Chief Communications Officer Patrick Hillmann reached out to *Bloomberg Businessweek*’s editor Joel Weber regarding the Translated Article’s Title in the Chinese edition of *Bloomberg Businessweek*.<sup>21</sup>

13. I understand that Weber responded to Hillmann’s email on the same day to state, among other things, that the Chinese edition of *Bloomberg Businessweek* is “published by Modern Media out of China.” He also further noted that his understanding was that they had removed the social media posts publicizing the Translated Article’s Title from their social media accounts, and that they were “updating their display language.” Weber then proceeded to state that he hoped that Hillmann would see the issue as “resolved based on Modern Media’s response,” but that if Hillmann saw “a need to press this issue, [he] should reach out to Modern Media directly.”<sup>22</sup>

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<sup>16</sup> See **Exhibit G** and **Exhibit J**.

<sup>17</sup> See **Exhibit K**, screenshots of various social media posts captured between July 6-8, 2022.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> See **Exhibit L**, screenshots of the article titled “The Chinese edition of *Bloomberg Businessweek* changes the headline “ZHAO Changpeng’s Ponzi Scheme”! What secrets did they discover about Binance?” published on Blocktempo (<https://www.blocktempo.com/why-bloomberg-says-binance-was-a-ponzi/>).

<sup>21</sup> See **Exhibit M**, a true and correct copy of an email sent from Binance’s Chief Communications Officer, Patrick Hillmann, to *Bloomberg Businessweek*’s editor, Joel Weber on July 6, 2022.

<sup>22</sup> See **Exhibit N**, a true and correct copy of an email chain of emails exchanged between Binance’s Chief

14. Hillmann replied to Weber's response on July 7, 2022, noting that the social media posts were still posted in various places including the Facebook page of the Chinese edition of *Bloomberg Businessweek*, and that the Translated Article's Title was still being featured across multiple websites where the Chinese edition of *Bloomberg Businessweek* was being sold online.<sup>23</sup>

15. On July 7, 2022, Slateford Law, on behalf of Zhao, wrote to Modern Media HK regarding, among other things, the Defamatory Social Media Posts and the allegations made in the Original Article and the Translated Article's Title.<sup>24</sup> Among other things, Zhao demanded that Modern Media HK:

- (i) retract the story;
- (ii) remove all online versions of the Original Article and the Translated Article;
- (iii) recall all physical publications of the Original Article and the Translated Article; and
- (iv) remove the Defamatory Social Media Posts immediately.<sup>25</sup>

16. Modern Media CL responded to Slateford Law's letter on July 8, 2022, via their attorneys, Yuen & Partners.<sup>26</sup> In its response, Yuen & Partners stated that Modern Media CL had, on a without admission of wrongdoing basis, taken steps to delete the Defamatory Social Media Posts and had purportedly recalled the physical publication of the Translated Article within Hong Kong.<sup>27</sup>

17. I understand that further to the response from Yuen & Partners, the Defamatory Social Media Posts were deleted, and physical copies of the Translated Article had purportedly been recalled within Hong Kong. However, the 250th issue of the Chinese edition of *Bloomberg Businessweek* was still on sale on various online websites,<sup>28</sup> albeit with the Translated Article's Title amended to read “神秘的趙長鵬”, which directly translates to “The Mysterious Zhao Changpeng”.<sup>29</sup>

18. Given that the remedial steps requested had not been fully complied with by Modern Media CL, Sidley Austin LLP responded to Yuen & Partners letter on Zhao's behalf

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Communications Officer, Patrick Hillmann, to *Bloomberg Businessweek*'s editor, Joel Weber on July 6, 2022 to July 7, 2022.

<sup>23</sup> *Id.*

<sup>24</sup> See **Exhibit O**, a true and correct copy of Slateford Law's letter to Modern Media HK dated July 7, 2022.

<sup>25</sup> *Id.*

<sup>26</sup> See **Exhibit P**, a true and correct copy of Yuen & Partners' letter to Slateford Law dated July 8, 2022.

<sup>27</sup> *Id.*

<sup>28</sup> See **Exhibit Q**, screenshots of various online websites (captured between July 7-13, 2022) selling the Chinese edition of *Bloomberg Businessweek*'s 250th issue with the cover page showing an amended title.

<sup>29</sup> *Id.*

on July 12, 2022.<sup>30</sup> In this letter, Sidley Austin LLP requested Modern Media HK and Modern Media CL to take further remedial action by, among other things, retracting the story; publishing a full and proportionately prominent apology; and withdrawing the allegations made against Binance and Zhao.<sup>31</sup> No response has been received to date from Modern Media HK.

#### **D. Commencing claims before the Hong Kong Court**

19. As Modern Media had failed to take the remedial steps Zhao requested or otherwise adequate remedial steps, Zhao proceeded to instruct Hong Kong counsel to file an action before the Hong Kong Court against Respondents' affiliate based in Hong Kong—namely, Modern Media CL. This action asserts claims for defamation.<sup>32</sup>

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<sup>30</sup> See **Exhibit R**, a true and correct copy of Sidley Austin LLP's letter to Yuen & Partners and Modern Media HK dated July 12, 2022.

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

<sup>32</sup> See Declaration of Kei Cheung, Hui (also known as John Hui), Exhibit E.

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

Executed in Singapore on July 25, 2022.



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Natalie Ng