UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA MIAMI DIVISION

| ALEKSEJ GUBAREV, XBT HOLDINGS S.A., and WEBZILLA, INC. |))) | |
|--|-------------|------------------|
| Plaintiffs, |)) | Case No. |
| v. |) | 0:17-cv-60426-UU |
| BUZZFEED, INC. and BEN SMITH, |) | |
| Defendants. |) | |

NON-PARTY CHRISTOPHER STEELE'S MOTION TO INTERVENE FOR THE LIMITED PURPOSE OF OPPOSING REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE TO COMPEL HIS DEPOSITION

COMES NOW Christopher Steele, without waiver of personal jurisdiction¹, by and through his undersigned counsel of record, and, pursuant to Fed. R. Civ. P. 24, moves the Court to allow his intervention in this action for the sole purpose of objecting to the Court's entry of the Request for International Judicial Assistance through The Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Rec. Doc. No. 54, Aug. 10, 2017) ("Hague Request"). The Court entered the Hague Request the day following the filing of Plaintiffs' Motion for Court to Issue Request for International Judicial Assistance on August 9, 2017 (Rec. Doc. No. 52, Aug. 9, 2017) ("Plaintiffs' Motion").

¹ As Plaintiffs admitted, "Mr. Steele is a British citizen . . . [and] is beyond the jurisdiction of this or any American Court." Plaintiffs' Motion for Court to Issue Request for International Judicial Assistance on August 9, 2017 (Rec. Doc. No. 52, Aug. 9, 2017) ("Plaintiffs' Motion"). Mr. Steele's special appearance for the limited purpose of objecting to Plaintiffs' third party discovery attempt does not create general jurisdiction nor waive his personal jurisdiction defenses under Fed. R. Civ. Pro. 12.

This Court has discretion to refuse the Plaintiffs' request seeking to compel discovery from a foreign nonparty. *See Yellow Pages Photos, Inc. v. Ziplocal, LP*, 795 F.3d 1255, 1273 (11th Cir. 2015) ("The decision whether to issue letters rogatory lies within the discretion of the district court."). The deposition sought is impermissible and unlawful on multiple grounds, not the least of which is that the self-same Plaintiffs have a direct defamation action pending against Mr. Steele in the United Kingdom in which the requested deposition is strictly prohibited. Plaintiffs thus are seeking to employ this Court in an end-run around their limitations in their parallel U.K. action.

To more fully itemize and support his objections to the Hague Request, Mr. Steele respectfully requests the Court to allow him to file a motion to quash the Hague Request or before **August 24, 2017** (*i.e.*, within fourteen (14) days).

Respectfully submitted, this 10th day of August, 2017.

/s/ Christopher A. Riley CHRISTOPHER A. RILEY Florida Bar No. 0168165

OF COUNSEL:

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CERTIFICATE OF SERVICE

This is to certify that I have this day filed the foregoing MOTION TO INTERVENE OF CHRISTOPHER STEELE with the Court's CM/ECF Service, which will provide electronic notice to counsel of record this 10th day of August, 2017.

/s/ Christopher A. Riley CHRISTOPHER A. RILEY