

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALL ASSETS LISTED IN ATTACHMENT
A, AND ALL INTEREST, BENEFITS, AND
ASSETS TRACEABLE THERETO,

Defendants *in Rem*.

Civil Action No.: 1:14-cv-969

AFFIDAVIT OF SPECIAL AGENT RODNEY J. HAYS

I, Rodney J. Hays, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) assigned to the Criminal Computer Intrusion Squad at the Washington Field Office. I have been employed by the FBI as a Special Agent for approximately 12 years. I am familiar with the charges and evidence in the case of United States v. Kim Dotcom, et al., Criminal Case No. 1:12CR3, as well as the related civil case, United States v. All Assets Listed in Attachment A, Civil Case No. 1:14-cv-969. The facts in this affidavit come from my personal observations, training, and experience, as well as information obtained from other law enforcement officers and third parties.
2. I have reviewed Mona Dotcom’s verified claim which was filed September 1, 2014. In the claim, Mona Dotcom makes various ownership claims as to certain assets listed in the United States’ Verified Complaint For Forfeiture *In Rem*, which was filed July 29, 2014.
3. Mona Dotcom is not listed as an owner or co-signer on any of the following bank accounts for which she has filed a claim:

- a. 59378921 at Citibank in Hong Kong.
 - b. 59378948 at Citibank in Hong Kong.
 - c. 23749938 at Citibank in Hong Kong.
 - d. 123107006652100 at ASB Bank Limited in New Zealand.
 - e. 0301040943847002 at Westpac Bank in New Zealand.
4. Mona Dotcom is not listed as the owner or a co-signer on Computershare Investor Services Limited account 14824385.
5. Mona Dotcom is not listed as the owner or purchaser of the two real estate properties listed in her claim (Dckt. #14, at p.2). Real estate records indicate that Kim Dotcom purchased these properties together on or about November 19, 2011 for a total of NZD 4,330,000.
6. Mona Dotcom is not listed as the purchaser or owner of the 16 vehicles listed 1-16 in her verified claim.
7. Vehicle 2 is identified as a 2005 Silver Mercedes CLK DTM, VIN WDB2093422F165517, including the license plate "GOOD." My review of the purchase records indicate that Vehicle 2 was purchased by Kim Dotcom on or about May 28, 2010 for approximately NZD 400,000. These funds were sent from the ANZ Bank account titled Megastuff Limited, number 011839015545900, which was controlled by Kim Dotcom. Mona Dotcom is not listed as the purchaser or the owner of that vehicle on the related paperwork. Mona Dotcom is not listed as the owner or co-signer of the ANZ 5900 account.
8. Mona Dotcom makes a claim on the proceeds from the auction of four vehicles on or about November 2012. Three of the vehicles were purchased using funds from the above listed ANZ 5900 account. Those three vehicles were the 2010 Black Mini Cooper S Coupe, VIN WMWZG3200TZ03648, license plate "T"; 2010 Black Mini Cooper S Coupe, VIN

WMWZG3200TZ03651, license plate "V"; and 2010 Mercedes Benz ML63 AMG, VIN WDC1641772A542449, license plate "GUILTY." As stated in paragraph 7, Mona Dotcom is not listed as the owner or co-signer for the ANZ 5900 account.

9. The fourth vehicle property claim for auction proceeds is the 2010 Black Mercedes AMG, VIN WDD2120772A103834, license plate "STONED." My review of the relevant documents shows that the vehicle was purchased on or about February 2010 for NZD 231,000. Those funds came from an account at ASB Bank, number 123107006652100. The account was held in the name of Kim Tim Jim Vestor, a/k/a Kim Dotcom. Mona Dotcom had no ownership or co-signer authority for that account.

10. Mona Dotcom makes a property claim for four 2010 Sea-Doo jet skis. On or about November 19, 2010, approximately NZD 82,229.65 was transferred from the above listed ANZ 5900 account for the purchase of four Sea-Doo jet skis. The VIN numbers for the jet-skis are YDV03103E010, YDV00375L910, YDV00385L910 and YDV03091E010.

11. Mona Dotcom makes a property claim on the following items:

- a. Sharp 108" LCD display television.
- b. Three Samsung 820DXN 82" LCD televisions
- c. Devon Works LLC, Tread #1 Time Piece.
- d. In High Spirits by Olaf Mueller Photographs from the Cat Street Gallery.

12. All items listed in paragraph 11 were purchased with funds transferred from the Megaupload Limited bank account, number 7881380320, maintained at DBS Bank (Hong Kong) Limited. Mona Dotcom did not have any ownership or co-signing authority for that account.

13. I have reviewed a sworn affidavit which Mona Dotcom submitted to the New Zealand courts on or about February 28, 2012, and which is attached to the United States' Motion to

Strike Mona Dotcom's Claim as Attachment D. A letter from Mona Dotcom's doctor is attached to that affidavit as Exhibit A. The letter indicates that Mona Dotcom used the email address mona@me.com. According to the internal e-mail databases of Megaupload.com and Megavideo.com, Mona Dotcom had three separate accounts with these websites under that e-mail address. In addition, Mona Dotcom had an additional three accounts at Megaupload.com, for a total of six accounts, under a separate e-mail address.

14. On February 16, 2012, Kim Dotcom testified before the High Court of New Zealand, Auckland Registry, that "Megateam is a 100% subsidiary of Megaupload." He further testified that Megateam had "80 employees in the Philippines." The Federal Bureau of Investigation has learned from law enforcement in the Philippines that Mona A. Verga and Tim Vestor are two of the five named incorporators of Megateam Corp., Company Registration No. CS200815603.

15. I have reviewed various identification documents for Mona Dotcom and Kim Dotcom during the course of this investigation. Mona Dotcom has used the alias Mona A. Verga on multiple occasions. Kim Dotcom has used the alias Tim Vestor on multiple occasions.

16. I have reviewed Mona Dotcom's passport of September 12, 2008 issued by the Republic of the Philippines and it lists her name as "Mona Aquino Verga." Her passport of March 18, 2009 issued by the Republic of the Philippines lists her name as "Mona Verga Dotcom."

17. I have reviewed the divorce records from Guam, which are attached to this affidavit as Appendix 1, pertaining to Kim Dotcom's first marriage to Lovely Roann Ronda Vargas. Those records state that the then-Kim Vestor and Lovely Vargas were married on August 25, 2007 and that Kim Vestor had a child (K.T.V.) with Lovely Vestor born subsequent to the marriage, but before November 2007, which is the date that Mona Dotcom claims that her *de facto* relationship began with Kim Dotcom began.

18. The records further indicate that the first wife did not separate from Kim Vestor until September 2, 2008 and did not divorce Kim Vestor until sometime in May 2009. The “Final Decree for Dissolution of Marriage” is dated May 13, 2009 but the Interlocutory Decree of Divorce” which appears to precede and be incorporated into the Final Decree is dated May 14, 2009.

19. As part of the divorce settlement, Lovely Vargas, who was not represented by counsel, received all property that was solely in her name and an “equalizing payment” of five million Philippine pesos (approximately \$100,000 USD) to “equalize the division of property assets and obligations. The documents appear to have been prepared by legal counsel for Kim Vestor and to have been executed according to the laws of the United States territory of Guam.

20. I have reviewed the birth certificate of a child [K.D.] which was registered in 2009, but well before July 10, 2009. That certificate lists the parents as Kim Tim Jim Vestor and Mona Aquino Verga.

21. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 30, 2014.



Rodney J. Hays

Special Agent, Federal Bureau of Investigation