

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST (ChD)

B E T W E E N:

(1) TULIP TRADING LIMITED (a Seychelles company)

Claimant

- and -

(1) BITCOIN ASSOCIATION FOR BSV (a Swiss verein)

[REDACTED]

Defendants

FOURTH WITNESS STATEMENT OF TIMOTHY WILLIAM ELLISS DATED 1 OCTOBER 2023

I, **TIMOTHY WILLIAM ELLISS**, a solicitor of the Senior Courts of England and Wales, of Enyo Law LLP, Fifth Floor, 1 Tudor Street, London, EC4Y 0AH, **WILL SAY** as follows:

1. I am a partner of Enyo Law LLP and I am instructed in these proceedings by the Second to Twelfth

Defendants (the “Enyo Defendants”).

2. I have conduct of the proceedings and am duly authorised to make this witness statement on behalf of the Enyo Defendants.
3. By way of preliminary formalities:
 - 3.1. Except where I indicate to the contrary, the facts and matters contained in this witness statement are within my own knowledge. Where the facts and matters are not within my own knowledge, I have indicated my sources of information and belief.
 - 3.2. Nothing in this witness statement is intended to, or does, waive any privilege belonging to the Enyo Defendants.
 - 3.3. There is now produced and shown to me a bundle of copy documents marked TWE-4, that contains paginated copies of documents to which I shall refer to in this witness statement. Where I refer to documents in this witness statement, I refer to these as Exhibit TWE-4/page number(s).

A. INTRODUCTION

4. The Enyo Defendants apologise to the Court that this evidence is being filed so shortly before the hearing listed for 3 October 2023. However, over the past weekend, there have been very significant developments in relation to Dr Wright, and those that are backing and funding him both in these proceedings, and in *Crypto Open Patent Alliance v Craig Wright* (Claim No. IL-2021-000019) (the “COPA Claim”). This evidence could not have been put in any sooner.
5. In summary, late on Friday evening, Christen Ager-Hanssen, the former Group CEO of the nChain group, made a public statement released on X (formerly known as Twitter) that he had left nChain with immediate effect. Dr Wright describes nChain as “*the vehicle through which [he has] developed [his] intellectual property rights (“IP”) in blockchain technology since the end of 2015*”,¹ and he has been Chief Scientist of nChain Limited (a company within the nChain group) since 2015.² In the reasons for his resignation Mr Ager-Hanssen stated, amongst other things, that he had “*found compelling evidence that Dr Craig Wright has manipulated documents with the aim to deceive the court that he is Satoshi*” and that he had recommended to the Chairman of the board that Dr Wright be fired immediately from his position with nChain.³ Mr Ager-Hanssen continued to post on X during the course of Saturday, providing information that appears to support this statement. Mr Ager-Hanssen has also stated that

¹ Wright 1, ¶14

² Wright 1, ¶12

³ TWE4/2

he intends to continue to make further public disclosures imminently.

6. Given the significance of this development, the Enyo Defendants now seek the following additional relief at the hearing before Mr Justice Mellor on 3 October:

6.1. That they be permitted to rely on the evidence in this statement in support of their application for a preliminary issue trial; and

6.2. That the Court determine the Enyo Defendants' security for costs application as a matter of urgency.

7. The reasons for this relief sought are set out below.

B. RELEVANT DEVELOPMENTS

8. As I have explained above, nChain is a research and development company that works on the BSV blockchain. Calvin Ayre is a shareholder with a controlling interest in the company. The Enyo Defendants understand nChain to be the joint venture vehicle through which Mr Ayre and Dr Wright have sought to exploit Dr Wright's claim to be Satoshi Nakamoto for their mutual benefit.

9. Whilst the Enyo Defendants do not have the full details of the arrangement, they believe that Mr Ayre and entities that he owns directly or indirectly have been funding TTL and Dr Wright's very substantial litigation costs in these proceedings and others around the world. Dr Wright's ongoing relationship with Mr Ayre is therefore critical for TTL's ability to fund these proceedings, to pay security for the Enyo Defendants' costs or to meet any costs order.

Departure of nChain's CEO and allegations of fraud directed at Dr Wright

10. On Friday 29 September 2023, nChain posted a statement on its website that it had "*parted company*" with Mr Ager-Hanssen.⁴ The nChain statement did not provide any reasons for Mr Ager-Hanssen's departure.

11. On the same day, Mr Ager-Hanssen (Group CEO), Dr Wright (Chief Science Officer), Peter Coulson (Chief Operating Officer), Andy Moody (Chief Financial Officer) and Leandro Nunes (Chief Revenue Officer) were removed from the "Leadership Page" on nChain's website.⁵

12. At 11:18pm⁶ on 29 September 2023, Mr Ager-Hanssen posted a statement on X stating:⁷

"I can confirm I have departed from @nChainGlobal as its Group CEO with immediate effect after

⁴ TWE4/3-4

⁵ TWE4/5-21

⁶ All times referred to are in BST.

⁷ TWE4/2. As a note, Mr Ager-Hanssen edited the tweet a few minutes later to correct a typographical error. The text quoted below is the corrected text.

reporting several serious issues to the board of nChain Group including what I believe is a conspiracy to defraud nChain shareholders orchestrated by a significant shareholder. I also had concerns about the ultimate beneficiary shareholder and the real people behind DW Discovery fund registered in Cayman [one of nChain's shareholders]. The chairman also took instructions from shadow directors which I didn't accept

I have also reported that I have found compelling evidence that Dr Craig Wright has manipulated documents with the aim to deceive the court he is Satoshi. I'm today myself convinced that Dr Craig Wright is NOT Satoshi and I'm persuaded he will lose all his legal battles.

The board didn't take action and my job becomes clearly untenable. One of the things I recommended the Chairman of the board was to sack Dr Craig Wright.

I feel sorry for all the great people that work in the company but I don't want to be part of something I clearly don't believe in. #faketoshi"

13. Through the course of Saturday 30 September, Mr Ager-Hanssen proceeded to make numerous further posts in relation to nChain, Dr Wright and Mr Ayre. These included:

13.1. A tweet stating that Mr Ager-Hanssen had told Mr Ayre: *"I had compelling evidence that @Dr_CS Wright is not Satoshi."*⁸

13.2. A tweet stating that, *"Craig panicked when I said he will loose (sic) and then came up with a hard disk he claimed was real. The evidence against him on this one was very clear"*.⁹ This appears to be explained in another tweet that includes an extract of a report that appears to be part of an analysis of the hard drive.¹⁰ The report states: (i) *"that Dr Wright was clearly lying when he said that the drive was preserved unused since 2009 – as it contains websites from 2023!"* and (ii) *"the contents of the browsing history file show that Dr Wright has researched topics relating to backdating files and manipulating metadata"*. The extract of the report also shows what it says is browsing history showing Dr Wright asking a Q&A forum whether Satoshi used LaTeX to compile anything in the Bitcoin whitepaper. The page concludes: *"The obvious question is: if Dr Wright is Satoshi Nakamoto, why would he ask what software he had used when he wrote the White Paper?"*.

13.3. A tweet explaining that Mr Ager-Hanssen, and other 'whistle blowers' were dismissed or suspended by nChain after reporting to the board that Dr Wright was not Satoshi, identifying other issues within nChain, and a transaction by which Mr Ayre acquired a controlling interest in it.¹¹

13.4. A tweet stating: *"The evidence I have seen makes me convinced that @Dr_CS Wright is a great*

⁸ TWE4/22

⁹ TWE4/23

¹⁰ TWE4/24-25

¹¹ TWE4/26-27

“reproduction painter” this means he has the ability to copy of another work of art and in this case Satoshi by carefully studying/analysing him.”¹²

14. Mr Ager-Hanssen also released the text of an email from Calvin Ayre to Dr Wright and copied to Stefan Matthews (Chairman of nChain) (the "**Ayre Email**").¹³ I would ask the Court to read the email in full.
15. In summary, Mr Ayre tells Dr Wright:
 - 15.1. he believes Dr Wright will lose the COPA trial;
 - 15.2. there is no paper trail showing that Dr Wright’s trust owns any tokens and no prospect of any court declaring that Dr Wright owns the tokens;
 - 15.3. Dr Wright therefore cannot ever repay Mr Ayre the money he owes Mr Ayre for funding all the litigation he has funded to date;
 - 15.4. Mr Ayre intends to cease funding all of Dr Wright’s litigation;
 - 15.5. Mr Ayre considers that the lawyers ceasing to act for Dr Wright is better than having the Court determine Dr Wright is not Satoshi; and
 - 15.6. (to give cover to Dr Wright) Mr Ayre’s press organisation (Coingeek) will report this on the basis that it still considers Dr Wright to be Satoshi, and that whilst it will accept that Dr Wright did forge documents, this was done to replace documents he destroyed when pretending he was not Satoshi, which it will say that Wright did because of his autism.
16. Mr Ager-Hansen also promised to release a report that he and other whistle blowers had provided to the board of nChain global.¹⁴ This tweet included two photos, the front cover of the report, and an extracted page of the report. Part of the extract reads: *“Craig Wright’s ex-wife Lynn is a key witness in these cases. The emails from Calvin Ayre to me show that he is perfectly willing to unlawfully pressure Lynn [a likely witness in these proceedings] into giving a favourable witness [statement]”*. At this point the page is cut off.¹⁵
17. Mr Ager-Hanssen also appeared on Spaces, a live video stream, on Friday evening where he stated (amongst other things):
 - 17.1. *“I’ve seen manipulated documents.”*
 - 17.2. *“I’ve seen a lot of things that, you know, maybe deleted things and tried to re-correct it.”*

¹² TWE4/28-29

¹³ TWE4/30-33

¹⁴ TWE4/34

¹⁵ TWE4/35-36

- 17.3. *"The trust is bullshit. It's really Calvin, Ira and Craig behind that trust."*
18. A machine generated transcript can be found at TWE-4/37-42. The start of Mr Ager-Hanssen's appearance was missed.
19. Mr Ager-Hanssen appeared again on Spaces on Saturday evening, where he stated (amongst other things):
- 19.1. *"It's obvious that he is a scam. It's obvious that he has created his own documents. And we can prove that."*
- 19.2. *"He for sure was recreating some documents. He may have destroyed it. He may have done things to rebuild. But I saw his search history. And he panicked."*
- 19.3. *"And the search history that I found on the panic hard disk was all about how to rebuild things. How to change metadata. And it's all manipulated. That doesn't mean he's not Satoshi. It doesn't mean that he was not part of the Satoshi team. It doesn't mean that. It just means that he put together a lot of fraudulent documents, which means he's going to lose the case."*
- 19.4. *"He was not prepared to speak the truth. And you can't defend someone that is not doing that. I would still have believed him if he said, you know, I did the alteration with this and this document. But this was because I just tried to reconstruct whatever I had there from before. And I destroyed it because of ATO, blah, blah, blah, blah, blah. You know, then you can create a narrative."*
- 19.5. *"I'm not saying that I'm 100% sure that he is not Satoshi, because no one can. I always believed he was close to Satoshi or the Satoshi venture project somehow. But what I'm 100% sure about is that he fraudulently created a document to prove he was Satoshi and who was in on this."*
20. Selected extracts have been machine transcribed, this transcript can be found at TWE-4/43-47.¹⁶

Statement by Dr Wright

21. At 10:22 AM on 30 September, Dr Wright posted a message on X stating explaining why he no longer held the role of Chief Scientific Officer at nChain:¹⁷

Sorry to disappoint my anti-fans. I haven't gone anywhere, I'm still here consulting with Bitcoin

¹⁶ There is reference to a "pre-trial" involving a "KC" in the transcript. Given that it might be said that the material referring to the 'pre-trial' is (or at least was) privileged, and given I have not first raised these matters with TTL's solicitors, I have excluded those aspects of the transcript out of an abundance of caution.

¹⁷ TWE4/48

companies including nChain. I decided it was not necessary to hold an official role with nChain as there are excellent operators there who are able to take it and I can work with multiple BSV companies to further Bitcoin.

Right now, I have a case to win.

Statements by Mr Ayre

22. During the course of 30 September, Mr Ayre posted on X numerous times, including in response to other tweets. I do not exhibit all of the tweets to my statement, however, I have selected a few of the most substantive of Mr Ayre's statements.
 - 22.1. A tweet that: *"nChain is fine. [...] Craig has created his own company but will continue to work with nChain"*.¹⁸
 - 22.2. A tweet stating, assumedly in reference to Mr Ager-Hanssen: *"you can not slap together a fictional whistleblower report and some how change the underlying facts of your record. Thats grifter amature [sic] hour and makes me laugh."*¹⁹
 - 22.3. A tweet, posting a link to an nChain statement, with comment that: *"The ex CEO is publishing fictional documents but nChain has a full third party investigation underway of all of this."*²⁰
 - 22.4. A tweet which also links to the nChain statement, stating: *"nChains position....don't believe fake documents or rants:"*²¹
 - 22.5. A tweet stating: *"nothing more embarrassing to watch than a terminated for cause ex CEO of a company on full social media meltdown."*²²
23. Notably, neither Dr Wright, nor Mr Ayre have stated directly that the Ayre Email is inauthentic. However, as the tweets above indicate, Mr Ayre has made a number of general statements that may indicate he disputes the authenticity of the email.
24. The Enyo Defendants do not consider that what is said publicly by Mr Ayre and nChain necessarily reflects the true position. This is particularly given Mr Ayre's apparent willingness in the Ayre Email itself to present a false narrative about the reason that he would cease funding Dr Wright.

¹⁸ TWE4/49

¹⁹ TWE4/50

²⁰ TWE4/51

²¹ TWE4/52

²² TWE4/53

C. RELEVANCE TO THESE PROCEEDINGS AND THE PRELIMINARY ISSUE TRIAL APPLICATION

25. The new evidence that has come to light over the weekend is very significant for these proceedings and the Enyo Defendants' application for a Preliminary Issue Trial:

25.1. The public statements made by Mr Ager-Hanssen indicating evidence of document forgery and manipulation further support the Enyo Defendants' contention that they will have a strong case that Dr Wright has created fraudulent documents for the purpose of bringing this claim and that there is a strong likelihood that further documents supporting those allegations will be uncovered during disclosure.

25.2. The references to a hard drive with further evidence (and the apparent evidence of forgery and manipulation on that hard drive)²³ appear to indicate that Dr Wright has not given full and proper disclosure in the COPA Proceedings (and that had he done so there would be yet further evidence of forgery and document manipulation).

25.3. The reference in the Ayre Email to Mr Ayre (and his advisers)' conclusion Dr Wright (and therefore TTL) has never been in possession of any private keys supports the Enyo Defendants contention that TTL never owned the Digital Assets the subject of these proceedings and has brought this claim on a knowingly false basis.²⁴

25.4. The reference in the extract of the 'whistle blower report' to pressure being improperly applied to Lynn Wright is deeply troubling. Lynn Wright is likely to be a key witness in these proceedings as she is the person that Dr Wright alleges was the creator of the Purchase Order (which he says was created in 2011 and supports his claim to ownership of the 1Feex address).²⁵

26. As with the other evidence that I have filed in support of the Enyo Defendants' preliminary issue application, the allegations made by Mr Ager-Hanssen are plainly very serious. They are matters which go directly to the Enyo Defendants' request for a preliminary issue trial and I respectfully ask the Court for permission to rely on this statement and the attached exhibits at the hearing of that application.

D. EXPEDITION OF HEARING THE SECURITY FOR COSTS APPLICATION

27. The Enyo Defendants made a security for costs application on 11 July 2023.

28. The parties have since exchanged evidence on the application. Following the exchange of evidence, TTL has agreed to provide security by way of payment into court, such security to be provided up to the end of the disclosure phase of proceedings. As such, the only outstanding point on which the court

²³ TWE4/25

²⁴ TWE4/30

²⁵ TWE4/36

will need to rule is quantum. The Security Application is listed to be determined at the CMC in November 2023.

29. The Enyo Defendants were previously prepared to proceed on the basis that they would be unsecured up to the November hearing. This was because it seemed unlikely that there would be any change in TTL and Dr Wright's funding position in advance of the COPA trial because of the investment that had obviously been made into that trial to date and the proximity to trial.
30. The Enyo Defendants believe that this claim is being funded by Mr Ayre (directly or through a company or companies which he controls). It is public knowledge that Mr Ayre has previously funded Dr Wright's various litigations in both the US and UK. In *Wright v McCormack* (QB-2019-001430) Dr Wright "*admitted that [he] is being funded by a third party in these proceedings, namely Calvin Ayre. The Claimant has taken out a Bitcoin SV denominated commercial loan against the Claimant's and the Tulip Trust's Bitcoin and Bitcoin SV holdings, that will be paid back to Mr Ayre*" (paragraph 4B of the Amended Reply); and (ii) in the Kleiman Proceedings Mr Nguyen, nChain's former CEO, confirmed that Mr Ayre was funding Dr Wright.²⁶ This was confirmed in the Ayre Email where Mr Ayre states on numerous occasions that he is funding Dr Wright's litigation.
31. The Ayre Email indicates that Mr Ayre has, or imminently will, cease funding Dr Wright's litigation. The need for security for the Enyo Defendants is therefore urgent. TTL has no additional means of funding this claim, nor any assets that could be enforced against. The Enyo Defendants have already incurred significant costs in this litigation.²⁷ These costs will increase substantially in preparation for the CMC and preliminary issue trial application hearing listed for week commencing 13 November 2023.
32. Given the rapidly developing situation, and the potential for TTL to lose its only source of funding imminently, it should now provide security, up to the CMC, on an urgent basis. The Enyo Defendants should not be expected to continue to incur significant costs defending a claim which they believe to be brought on a fraudulent basis, where there is strong evidence indicating they will not be able to recoup their costs in the event they are successful.
33. By this urgent application, the Enyo Defendants only seek security up to the CMC. Accordingly, the Court can safely order that such security be provided in the amounts sought by the Enyo Defendants. This is because there is no realistic prospect that TTL will not ultimately be required to provide security up to the end of disclosure (the phase to which TTL has agreed to provide security) substantially in excess of the sum sought up to the CMC. Accordingly, the Enyo Defendants ask the Court to either (i)

²⁶ TWE4/54-59

²⁷ Elliss 1, ¶108

determine the amount of security that should be provided up to the CMC at the hearing on 3 October (ii) alternatively, order that TTL provide security in the sum sought by the Enyo Defendants (or such other sum as the Court considers appropriate) on an interim basis with both parties rights to argue that sum higher or lower sum is appropriate when the matter of security is addressed a the CMC in November or (iii) in the further alternative, set directions for the urgent determination of the Security Application.

34. As of late last week, the issues in dispute in the Strikeout Application have been reduced after TTL belatedly abandoned its application to strikeout what it described as the 'Irrelevant Material'. There is therefore likely to be sufficient time to determine the Security Application on an interim basis in the manner I have described above. I respectfully suggest that it is in the interests of justice that the application is determined as a matter of urgency. If the Ayre Email is authentic, it may be the case that Mr Ayre has already ceased funding the litigation. In that case, any further costs spent may well be costs that can never be recovered. Conversely, there is no prejudice to TTL if the order is made now. It has already agreed to provide security and the security that it will be ordered to provide will inevitably significantly exceed any sum that it is ordered to pay now.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of Court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



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Timothy William Elliss

1 October 2023