



David Vermillion <dv@vermillionadvisors.com>

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## Breaking: U.S. Government Sued for Return of \$330 Million Megayacht

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David Vermillion <dv@vermillionadvisors.com>  
To: David Vermillion <dv@vermillionadvisors.com>

Mon, Oct 23, 2023 at 11:16 AM

Good morning:

I represent Eduard Khudainatov, a Russian citizen and the owner of the \$330 million Motor Yacht Amadea, which was unlawfully seized by the U.S. Department of Justice (DOJ) over a year and a half ago.

Today, Mr. Khudainatov commenced litigation against the United States respectfully requesting that the Court release the vessel, pursuant to Federal Rule of Criminal Procedure 41(g), which compels the return of wrongfully seized property to its rightful owner.

The complaint, filed in U.S. District Court in the Southern District of California and served on the government this morning, is attached.

### Key facts:

- The government concluded its investigation of Mr. Khudainatov by letter dated September 28, 2023 and signed by Michael Khoo and David Lim, co-directors of "Task Force KleptoCapture." He is not sanctioned in the U.S., under indictment, or a party to any civil or regulatory proceedings.
- The seizure of the vessel was not lawful. The government used a flawed theory set forth in a knowingly false and misleading affidavit in support of its request for a seizure warrant. The Amadea is, in fact, owned by Mr. Khudainatov, who is not sanctioned in the U.S. This fact alone destroys any probable cause to seize it.
- The Fourth Amendment to the United States Constitution requires warrants to be based on a finding of probable cause. The government here callously disregarded this constitutional requirement by filing an affidavit to obtain the Seizure Warrant based on false and misleading statements that were material to the finding of probable cause.
- The government's wrongful seizure of the Amadea has cost American taxpayers millions of dollars, as the vessel's maintenance costs approximately \$1 million a month. Mr. Khudainatov has offered to pay these costs while the vessel has been in U.S. custody to maintain the value of his property and relieve the burden on American taxpayers. But the government has not accepted this offer.
- The reason the Amadea was seized and has not been returned is obvious: the seizure was political theater, and not based on a proper and fulsome investigation. Following the Russia-Ukraine conflict, the Amadea was targeted by the U.S. government because of its size, opulence, and Russian ownership, and not because of any evidence it was involved in wrongdoing.

If you have any questions related to the attached filing, I can arrange a background conversation with Mr. Khudainatov's attorneys in this matter, Adam Ford and Renée Jarusinsky, of the firm Ford O'Brien Landy, LLP.

Thank you,


Dave

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