

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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HNA GROUP CO., LTD.,	:	
	:	Index No.
Plaintiff,	:	
	:	653281/2017
v.	:	
	:	
GUO WENGUI	:	<b>VERIFIED COMPLAINT</b>
a/k/a "MILES KWOK,"	:	
a/k/a "GUO HAOYUN,"	:	
a/k/a "KWOK HO WAN,"	:	
a/k/a "KWOK HO,"	:	
a/k/a "GWO WEN GUI,"	:	
a/k/a "GWO WEN-GUI,"	:	
a/k/a "WAN GUE HAOYUN,"	:	
a/k/a "HAOYUN GUO,"	:	
	:	
	:	
Defendant.	:	
-----X	:	

Plaintiff HNA Group Co., Ltd. ("Plaintiff" or "HNA"), by and through its undersigned counsel, alleges upon knowledge of its own conduct, and upon information and belief as to all other matters, for its Verified Complaint against Defendant Guo Wengui a/k/a "Miles Kwok," a/k/a "Guo Haoyun," a/k/a "Kwok Ho Wan," a/k/a "Kwok Ho," a/k/a "Gwo Wen Gui," a/k/a "Gwo Wen-Gui," a/k/a "Wan Gue Haoyun," a/k/a "Haoyun Guo" ("Defendant" or "Guo"), as follows:

**NATURE OF CLAIMS**

1. This action is for declaratory and monetary relief to redress the repeatedly false and defamatory statements publicly broadcast by Defendant Guo about Plaintiff HNA, all of which impugn Plaintiff's business practices and integrity. These false and defamatory

statements, which Guo has made with knowledge or reckless disregard as to their falsity, have harmed and continue to harm Plaintiff's reputation and financial standing.

2. Defendant falsely portrays himself as a Chinese dissident who exposes acts of corruption and unsavory practices by Chinese government officials, companies, and journalists. In fact, Guo is wanted on criminal charges by the Chinese government related to his bribery of a former Chinese government official. Guo is also the defendant in various other lawsuits, alleging defamation, breach of contract, and other claims.

3. On April 19, 2017, in an interview broadcast over the Internet by the Mandarin Service of the Voice of America ("VOA"), Guo made the false and defamatory claim that a high-ranking official in China's Communist Party and his relative are undisclosed shareholders in HNA. The interview was cut short by VOA and the personnel responsible for the broadcast were suspended shortly thereafter based on their stated failure to adhere to VOA's "principles of verification, fairness and balance that are standard industry practice."

4. After the broadcast, Guo proceeded to make a series of false and defamatory statements about HNA through various social media outlets, stating, among other things, that HNA had allowed an undisclosed Chinese government official and his relative to become significant shareholders.

5. Plaintiff seeks relief in the form of money damages, in an amount to be determined at trial, but in any case no less than \$300,000,000, and a declaration from this Court that Defendant's statements about HNA are false and defamatory *per se*.

### **PARTIES**

6. Plaintiff HNA is headquartered in Haikou, Hainan Province, the People's Republic of China. It operates in the tourism, logistics, and financial services industries, among

others, in China and internationally. HNA has several subsidiaries that are registered to do business in New York State.

7. Defendant Guo Wengui resides on the 18th floor of 781 Fifth Avenue, New York, New York, where he has lived since March 6, 2015. Guo employs several aliases, including “Miles Kwok,” “Guo Haoyun,” “Kwok Ho Wan,” “Kwok Ho,” “Gwo Wen Gui,” “Guo Wen-Gui,” “Wan Gue Haoyun,” and “Haoyun Guo.” Guo maintains at least one active YouTube account under the name “Guo Wengui.”

8. After moving to New York City, Guo formed a company called Golden Spring (New York) Ltd., which is authorized to do business in New York. Guo is an owner, officer and/or agent of Golden Spring (New York) Ltd.

### **JURISDICTION AND VENUE**

9. Pursuant to Sections 301 and 302 of the CPLR, this court has jurisdiction over Guo because he is a resident of, and regularly conducts business in, New York County, New York State.

10. Pursuant to Section 503(a) of the CPLR, venue is proper because Guo resides in New York County and has been publishing the defamatory statements at issue in this case at least in part from his residence in New York City.

### **FACTS**

#### **Background**

11. Hainan Airlines, an airline headquartered in Haikou, Hainan Province, People’s Republic of China, was established in 1993. In January 2000, following a restructuring of the airline, HNA was established as the parent company of Hainan Airlines.

12. Since then, HNA has evolved into a global company with approximately \$145 billion in assets, primarily across the Americas, Europe, and Asia. HNA's tourism business operates or holds significant investments in hotels across major global markets, and its aircraft carry nearly 100 million passengers annually to 270 cities worldwide. HNA's logistics business invests in capabilities in shipping and equipment manufacturing, maritime transportation, third-party payment platforms, and project finance. In addition, HNA is China's largest non-bank leasing company, and a leading provider of a diverse set of services in insurance, asset management, investment banking, and credit services. HNA is also engaged in global charitable endeavors involving public health and disaster relief, and provides funding to global education institutions to promote technological innovation, food safety, and cultural exchange.

13. In 2015, HNA was ranked 464 on the *Fortune* Global 500 list, based on HNA's 2014 revenue of USD 24.64 billion. In 2016, HNA ranked 353 on the list, with 2015 revenue of USD 29.56 billion. In 2017, HNA ranked 170 on the list, with 2016 revenue of USD 53.03 billion.

14. Guo is a businessman in Chinese real estate and investment circles. Before he moved to the United States, he had connections with one or more former senior officials in the Chinese government, and accumulated a portfolio of hotels, office buildings and securities brokerage firms.

15. All of Guo's assets in China, estimated at USD 17.4 billion, reportedly have been frozen by the Chinese government. It has been reported that Guo obtained a fraudulent loan worth RMB 3.2 billion from a state-owned bank. The Chinese media outlet Caixin Media Company Ltd. ("Caixin") has also reported that Guo arranged for USD 299 million in client

funds to be transferred illegally out of a securities firm, and has also detailed Guo's role in a conspiracy to oust Beijing's deputy mayor.

16. In March of 2015, after leaving China around 2014, Guo reportedly purchased an apartment in New York City at an estimated USD 68 million. Guo reportedly is attempting to sell his apartment for USD 78 million. However, in July 2017, a Hong Kong hedge fund, Pacific Alliance Asia Opportunity Fund, which has sued Guo in New York for breach of contract, reportedly sought a pre-judgment order of attachment on Guo's New York apartment and "any proceeds from [Guo's] sale, transfer, or assignment of the Residence."

17. Since his arrival in the United States, Guo has embarked on a campaign to smear Chinese government officials, Chinese media outlets, including Caixin, and prominent Chinese businesses, including HNA.

18. On April 4, 2017, Caixin and its Editor-in-Chief Hu Shuli filed suit against Guo in this court claiming that Guo had defamed them and intentionally inflicted emotional distress on Ms. Hu by falsely stating, among other things, that Ms. Hu had had an extramarital affair, had borne an illegitimate child, extorted opponents, abused drugs, and abused her position at Caixin to further her illegal activities, and that Caixin had conspired with Chinese State Security and stolen confidential user information from its website.

19. On June 2, 2017, SOHO China Ltd. ("SOHO") and its co-founder Pan Shiyi filed suit against Guo in this court claiming that Guo had defamed them by falsely stating, among other things, that they had illegally colluded with government officials and transferred money abroad in violation of China's foreign exchange laws, that Mr. Pan had been involved in sex scandals, and that his wife and SOHO CEO Zhang Xin is having an extramarital affair with a high-ranking government official.

20. On June 30, 2017, businessmen Jiangsheng Xie and Jiefu Zheng filed suit against Guo in this court claiming that Guo had defamed them and intentionally inflicted emotional distress on them by falsely stating, among other things, that Mr. Xie had escaped overseas from China, committed murder, organized illegal group gambling and raped young women, and that Mr. Zheng had fled China with a huge amount of illegal and corrupt funds, and multiple warrants had been issued for his arrest.

21. On July 19, 2017, Yan Huang filed suit against Guo in this court claiming that Guo had defamed her by falsely stating, among other things, that she is having an extramarital affair with a high-ranking Chinese government official, was gifted expensive designer handbags and paintings from the official, and used her sexual relationship with him to obtain approval for a real estate development company.

22. On July 24, 2017, Chinese actress Fan Bingbing filed suit against Guo in this court claiming that Guo had defamed her by falsely stating, among other things, that she is having an affair with a high-ranking Chinese government official and accepting bribes to help secure bank loans and government approval for real estate building contracts in China.

23. Earlier this year, the Chinese Ministry of Foreign Affairs reportedly confirmed that Interpol had issued a global Red Notice for Guo's arrest on allegations relating to his alleged bribery of a Chinese government official. Guo has stated he has at least eleven passports, including from both Middle Eastern and European countries.

#### **VOA Interview**

24. On April 19, 2017, in an interview broadcast over the Internet by VOA, Guo made false and defamatory statements about HNA with actual knowledge that his statements were false, or with reckless disregard as to their falsity. Specifically, Guo alleged falsely that

Yao Qing (“Yao”) has a secret ownership interest in HNA and is one of Plaintiff’s largest shareholders.<sup>1</sup>

25. Yao is the nephew of Wang Qishan (“Secretary Wang”), who currently serves as China’s Secretary of the Central Commission for Discipline Inspection. Secretary Wang has been a member of the seven-man Politburo Standing Committee, China’s highest decision-making body, since 2012.

26. Neither Yao nor Secretary Wang has an ownership interest in HNA, nor have they ever held ownership interests in HNA.

27. At least seven times during the broadcast, VOA interviewers interjected that VOA had not independently checked and corroborated Guo’s statements, and that VOA should not be held responsible for the truth or falsity of Guo’s allegations.

28. The broadcast was advertised to last approximately three hours. It was cut short after 75 minutes. After the interview, VOA suspended the personnel responsible for the broadcast, citing its adherence to “the principles of verification, fairness and balance that are standard industry practice.”

29. In a subsequent letter to counsel for HNA, VOA reaffirmed that Guo’s statements “should not be understood to be the opinion of VOA, nor understood to have been endorsed or verified by VOA.”

30. The interview reportedly took place at Guo’s apartment in New York.

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<sup>1</sup> A Chinese transcription of the relevant defamatory statements made by Guo, and translation to English of the same, are contained in the exhibits annexed to the Affidavit of Fei-Xue Qian (Exhibit A).

31. As of the filing of this Complaint, the interview remains published on Mandarin Service of the Voice of America's official YouTube channel, and has garnered over 550,000 views.<sup>2</sup>

### **YouTube Allegations**

32. Since the VOA interview, Guo has broadcast many livestream videos on YouTube, in which he makes numerous false and defamatory statements about HNA with actual knowledge that his statements were false, or with reckless disregard as to their falsity, to wit:

- a. On April 25, 2017, Guo falsely repeated on YouTube that Yao, Secretary Wang's nephew, is a "shareholder of HNA Group."<sup>3</sup>
- b. In a YouTube video posted on May 29, 2017, Guo once again took aim at HNA. He reiterated that Yao is secretly HNA's largest shareholder and that Secretary Wang truly held his nephew's ownership interest.<sup>4</sup>

33. Again, neither Secretary Wang nor Yao is a secret shareholder of HNA.

34. At least some of the YouTube livestream videos described above were made in Guo's apartment in New York, New York.

35. All YouTube livestream videos described above were published on Guo's personal YouTube account, @ 郭文贵, available at <https://www.youtube.com/channel/UCO3pO3ykAUybrjv3RBbXEHw/feed>.

36. The April 25, 2017 video referenced above has been published on the Internet and, as of the filing of this complaint, has been viewed more than 78,000 times.

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<sup>2</sup> See Guo's April 19, 2017 Voice of America Live Interview, available at [https://www.youtube.com/watch?v=C\\_N5IHj0Fy8](https://www.youtube.com/watch?v=C_N5IHj0Fy8)

<sup>3</sup> See Guo's April 25, 2017 live Youtube broadcast, available at [https://www.youtube.com/watch?v=\\_LF-xygLDg](https://www.youtube.com/watch?v=_LF-xygLDg)

<sup>4</sup> See Guo's May 29, 2017 live YouTube broadcast, available at [https://www.youtube.com/watch?v=u0MIhusFIkY&index=9&list=PLpq6bGgCev7d5DtGTfrc\\_CT9PZ2\\_URcoY](https://www.youtube.com/watch?v=u0MIhusFIkY&index=9&list=PLpq6bGgCev7d5DtGTfrc_CT9PZ2_URcoY)

37. The May 29, 2017 video referenced above has been published on the Internet and, as of the filing of this complaint, has been viewed more than 1,009,000 times.

### **Damages**

38. Guo published each of the aforementioned defamatory statements knowing they were false, or with reckless disregard as to their falsity.

39. In publishing those false and defamatory statements on the Internet, Guo reasonably anticipated or knew that those statements would be circulated around the globe, reaching HNA's customers, counterparties, and investors, and would in turn harm HNA.

40. The publication of those false and defamatory statements has caused, and will continue to cause, harm to the goodwill and business reputation of HNA and its affiliated entities, along with their financial standing. For example, five days after the VOA interview, the share price of HNA Holding Group Co., Ltd, a holding company with which HNA is affiliated, suffered its biggest intraday plunge in 17 months on the Hong Kong stock exchange, falling as much as 16.7 percent before closing at a two-year low. Guo's false allegations continue to attract the attention of the global press, including *The New York Times* and *Financial Times*.

### **FIRST CAUSE OF ACTION**

#### **(Against Guo for monetary damages – Defamation *Per Se*)**

41. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 35 above as if fully set forth herein.

42. As described above, over the course of the past few months, Guo has falsely alleged that HNA is involved in unsavory business practices, including permitting a Chinese government official and a family member to hold undisclosed ownership interests in HNA.

43. At the time Guo made these defamatory remarks, he knew that they were false, or made them with reckless disregard as to their falsity.

44. Guo made these statements without HNA's express or implied authorization.

45. Guo's statements were false, implicated HNA's business integrity, sullied HNA's reputation, and were therefore defamatory *per se*.

46. Additionally, HNA has suffered pecuniary and reputational harm as a direct result of Guo's defamatory statements. HNA's share price dropped dramatically after the VOA interview. HNA has also foregone, and may continue to lose, business opportunities as a result of Guo's false and defamatory statements.

**SECOND CAUSE OF ACTION**  
**(Against Guo for declaratory relief – Defamation *Per Se*)**

47. Plaintiff repeats and re-alleges the allegations contained in paragraphs 1 through 35 above as if fully set forth herein.

48. As described above, over the course of the past few months, Guo falsely has alleged that HNA is involved in unsavory business practices, including permitting a Chinese government official and his family to hold undisclosed ownership interests in HNA.

49. At the time Guo made these defamatory remarks, he knew that they were false, or made them with reckless disregard as to their falsity.

50. Guo made these statements without HNA's express or implied authorization.

51. Guo's statements were false, implicated HNA's business integrity, sullied HNA's reputation, and were therefore defamatory *per se*.

52. HNA has suffered extensive damages, as described above, as a direct result of Guo's defamatory statements, and will continue to suffer irreparable harm as a result of such violations of law absent a declaration from this Court that such statements were false and defamatory.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks the following relief:

1. A declaration that Defendant's allegations against Plaintiff were false and defamatory *per se*;
2. Damages to be determined at trial, but in no event less than \$300,000,000;
3. Plaintiff's costs in bringing this action, plus pre-judgment interest, post-judgment interest, and reasonable attorneys' fees;
4. Punitive damages based on Defendant's reckless publication of defamatory statements, and
5. Other such relief as the Court deems just and proper.

Dated: New York, New York  
August 30, 2017

DECHERT LLP

By:   
\_\_\_\_\_  
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*Attorneys for Plaintiff  
HNA Group Co., Ltd.*

VERIFICATION

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK )

I, Bo Cui, under penalty of perjury, state:

1. I am a representative of the Plaintiff in this proceeding.
2. The foregoing Complaint is true to my own knowledge, except as to matters therein stated on information and belief and as to those matters I believe it to be true. The grounds of my belief as to all matters not stated upon my knowledge are my review of files associated with this proceeding and discussions with other persons with direct knowledge of these matters.

Dated: August 30, 2017.

Bo Cui

SWORN TO AND SUBSCRIBED BEFORE ME

This the 30<sup>th</sup> day of August, 2017.

\_\_\_\_\_  
Notary Public

**TANNER LAWRENCE KROEGER**  
**NOTARY PUBLIC-STATE OF NEW YORK**  
No. 02KR6330141  
Qualified in Kings County  
My Commission Expires September 08, 2019