

EXHIBIT D

United States v. Yanping Wang, Case No.: S1 23-CR-118 (AT)

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

<p>YANPING WANG a/k/a YVETTE WANG,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>XIANMIN XIONG a/k/a XI NUO a/k/a SINO, XIA YELIANG, LI HONGKUAN, and GAO BINGCHEN a/k/a HUANG HEBIAN,</p> <p style="text-align: right;">Defendants.</p>
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Index No.: 157786/2019

**AFFIDAVIT OF YANPING WANG IN SUPPORT OF AN EMERGENCY
TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION AND
FINDING OF CONTEMPT AGAINST DEFENDANT XIANMIN XIONG**

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

YANGPING WANG, being duly sworn, deposes and says:

1. I am the Plaintiff in the above captioned action. I am a female adult who resides by herself in New York County.
2. I submit this affidavit in support of an emergency temporary restraining order and a preliminary injunction. I previously sought similar relief, which was resolved through a So-Ordered Stipulation preventing Defendant Xianmin Xiong a/k/a Xi Nuo (“Defendant” or “Xiong”) from appearing outside my office building, residence, or in close proximity to me.
3. Defendant has now intentionally ignored this Court’s prior order and has repeatedly appeared outside of office building and **threatened me with death**. I have reported the Defendant’s latest activity to the police who have indicated that a criminal order of protection would likely be entered against defendant. I have requested a criminal order of protection, but the

Criminal courts have been unable to immediately assist in order to prioritize matters relating to COVID-19. Thus, I am also asking this Honorable Court to enter its own, narrowly tailored restraining order and permanent injunction against Defendant.

INTRODUCTION

4. Defendant is a male resident of New York City who has continued to harass and terrorize me and *intentionally ignored this Court's directives* to abstain from appearing outside my office building. As explained in my prior affidavit, what began as Defendant's online campaign of harassment toward me has now culminated in the Defendant: (i) ignoring this Court's prior Order; (ii) appearing outside my office building while threatening to kill me; and (iii) Defendant yelling at the Police when they arrived at the scene.

5. I am now asking that this court issue a narrowly-tailored temporary restraining order and a preliminary injunction to enjoin Defendant from appearing outside my office building, residence, or in close proximity to me, and to find the Defendant in contempt of this Court's prior order based on Defendant's blatant disregard of Your Honor's prior directives.

6. Based upon conversations with the Police and District Attorney's Office, this Court is my only hope to protect me from the continued harassment and imminent violence by Defendant.

BACKGROUND

7. In August 2019, I sought similar relief from the Court by way of an Order to Show Cause¹ which requested a temporary restraining order and preliminary injunction against the Defendant to prevent his continued campaign of harassment against me (the "Prior Request"). In connection with the Prior Request, I submitted an affidavit² (the "Prior Affidavit"). For the sake

¹ See NYSCEF Doc. No. 2.

² See NYSCEF Doc. No. 3

of brevity, I full adopt and incorporate by reference the Prior Affidavit and its Exhibits. However, some of the details outlined in my Prior Affidavit bear re-emphasizing.

8. Defendant Xiong's campaign to terrorize me began with his repeated and malicious posting of false and defamatory material about me on social media platforms. For months, Defendant has engaged in this online campaign of harassment and terror.

9. Defendant's defamatory posts and false and heinous statements include, but are not limited to, the following:

- a. That I, a married woman, had an extramarital sexual relationship with another man.
- b. That I had sex with a male work colleague and that an audio recording of us having sex exists.
- c. That I have been raped and sexually assaulted by a male work colleague.
- d. That I have destroyed evidence related to a legal proceeding.

10. Defendant made these false allegations knowing they were false and with the malicious intent to destroy my reputation and harass me.

11. In the Prior Affidavit, I explained how Defendant's online campaign to harass and defame me had inexplicably intensified with Defendant's in-person death threats against me.³ This included Defendant's in-person statements to me while outside of a New York County Supreme Court courtroom that:

- a. "You will be killed in a car accident."
- b. "You will never see your child or your husband again."
- c. "You are throwing your life away"

³ See NYSCEF Doc. No. 3, ¶8-21.

12. Defendant further escalated his death threats by appearing outside my doorstep and repeatedly coming to my place of work, despite the fact that he does not live or work on that block and has acted violently even when security was called.

13. Defendant's death threats placed me in fear of my life. And while I initially tried to ignore Defendant hoping that he leave an innocent woman alone, Defendant persisted. As such, I made the Prior Request, in addition to filing an official complaint with the New York City Police Department.

14. The Prior Request was resolved by a stipulation this Court So-Ordered (the "Prior Order").⁴

15. The Prior Order prevented Defendant appearing or lingering outside my place of work except for "brief or innocent passings."

DEFENDANT HAS BLATANTLY IGNORED THE PRIOR ORDER AND CONTINUES TO MAKE DEATH THREATS AGAINST ME

16. In blatant disregard of the Prior Order, Defendant has now on several occasions, appeared outside my office and continued to make death threats against me.

17. On April 6, 2020, Defendant appeared outside my office. I went to the office that day to arrange for charitable donations of personal protective equipment to be made to the local police, hospitals, and essential workers treating patients for COVID-19.⁵ I arrived at my office around 9:45 a.m. where I met my colleague Max. After getting donation materials organized into boxes, we went to bring them outside only to see Defendant standing outside of my office taking

⁴ See NYSCEF Doc. No. 20.

⁵ Part of my job includes assisting in running two charitable organizations, which have been working with the 19th Police Precinct in New York City to distribute masks, gloves, hand sanitizers and disinfectants to the essential workers treating patients suffering from COVID-19.

pictures and videos of me, as evidenced by the below photo. *Defendant was yelling "if you continue to work for Miles Kwok you'll be dead!"*



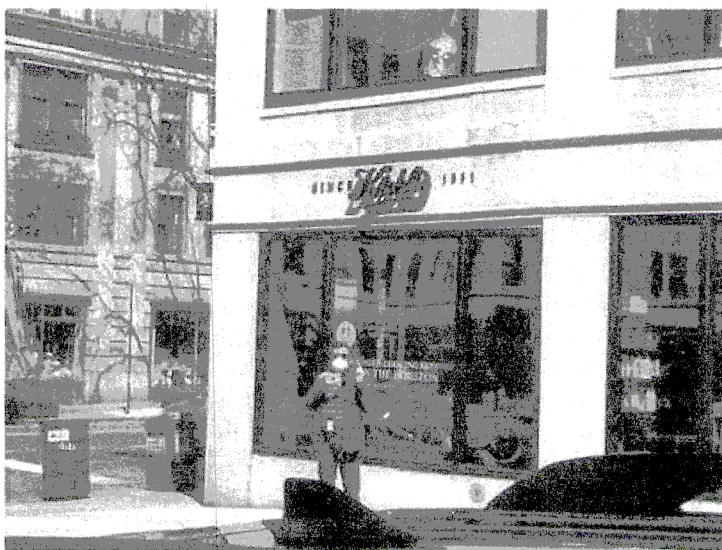
18. Fearing for my safety and well-being, I called the New York City Police Department, and filed a police report.⁶ The police who arrived at the scene observed Defendant acting in a menacing manner, as seen in the below photo. Even after the police arrived, Defendant continued to yell at me. I understand that the police are conducting an ongoing investigation into Defendant's conduct.



⁶ A copy of the Police Report is attached as Exhibit A.

19. The police directed Xiong to leave immediately after I showed them a copy of the Prior Order. However, I still fear for my safety and well-being because I have now learned that Defendant directed his colleagues to appear outside of my office with him and that this was not the only incident of Defendant’s blatant ignorance of the Prior Order.

20. On the same date as this latest incident, after the Police arrived outside my office, I observed Defendant make a phone call and requested someone to “meet him at the location.” Within minutes, another individual – whom I understand to be working in concert with Defendant – appeared outside my office and began taking photographs of me and yelling at me, as seen by the photo below.



DEFENDANT HAS CONTINUED TO APPEAR AT MY OFFICE AND ENCOURAGES OTHERS TO DO SO ON SOCIAL MEDIA

21. As if showing up outside my office and threatening me with death again were not enough, I have now learned that Defendant has been showing up outside my office, taking and

posting photos on social media, and encouraging his colleagues to come and do the same in an effort to scare and harass me.

22. Specifically, on April 8, 2020 – two days after I filed a police report because of Defendant’s death threats – Defendant posted a photo on Twitter outside of my office building and stated the following: “New gear to meet the challenge”:



23. On Saturday April 4, 2020 – two days before the latest incident that required police intervention – Defendant came to my office building, took pictures of my office – including through the first floor window – and posted them on Twitter:



24. On April 6, 2020, Defendant posted a video on Twitter, explaining to his tens of thousands of followers that he was outside of my office building and was encouraging others to come there with him. In the video, Defendant is pointing at my office and states: “*Their end is near!*”




25. In addition, Defendant participated in a post on one of his colleague's social media accounts where they callously discuss the fact that they have futures plans to continue and, possibly escalate, Defendant's threats upon my person and my life.

26. I understand from my attorney Xiong's actions are in violation of the Prior Order and would mean that he is in contempt of Your Honor's Prior Order.

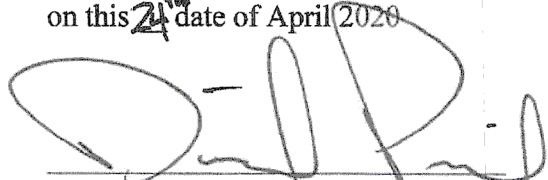
27. Additionally, Defendant has done all of this in direct violation of the Governor's "Stay-at-home" order. I believe this is because he has considered the fact that there will be less people at my work, making me more susceptible to intimidation and potential assault.

CONCLUSION

Thus, for the reasons set forth above and for those detailed in the accompanying papers, I am now seeking an Order (i) holding the defendant in contempt of the Prior Order and (ii) a temporary restraining order and preliminary injunction to enjoin the Defendant from appearing outside my office building, residence or in close proximity to me and to enjoin the Defendant from issuing death threats against me, whether in person or otherwise.


YANPING WANG

Subscribed and Sworn to before me
on this 24th date of April 2020


NOTARY PUBLIC

DANIEL THOMAS PODHASKIE
Notary Public, State of New York
Reg. No. 02PO6394578
Qualified in Queens County
Commission Expires July 8, 2023

EXHIBIT A

Agency: NYPD		A		New York State DOMESTIC INCIDENT REPORT		Incident #
Reported Date: 04/05/2020	Type (24 hours): 1299	Occurrence Date: 04/05/2020	Type (24 hours): 112	Officer Initiated: <input checked="" type="checkbox"/>	Radio Run: <input type="checkbox"/>	Walk-in: <input type="checkbox"/>
Address: 167 E 67 Street						City/State: NEW YORK, NY
Name (P1): XIONG, XIONGMIN				DOB: 07/11/54	Age:	Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male
Address (P1): 18673 35th Ave 391002				Suspect Phone Number:		Language:
City/State: FLUSHING NY 11354				<input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian <input type="checkbox"/> Hispanic <input type="checkbox"/> Not Hispanic <input type="checkbox"/> Unknown <input type="checkbox"/> American Indian <input type="checkbox"/> Other		<input type="checkbox"/> Self-Identified <input type="checkbox"/> Other Identifier
Do suspect and victim live together? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect P2 present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If yes, describe:
Possible drug or alcohol use? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Suspect supervised? <input type="checkbox"/> Probation <input type="checkbox"/> Parole		<input type="checkbox"/> Not Supervised <input type="checkbox"/> Status Unknown		
Suspect (P2) Relationship to Victim (P1): <input type="checkbox"/> Married <input type="checkbox"/> Intimate Partner/Dating <input type="checkbox"/> Formerly Married <input type="checkbox"/> Former Intimate Partner <input checked="" type="checkbox"/> Other: RELATIONSHIP						Do the suspect and victim have a child in common? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Emotional condition of VICTIM? <input checked="" type="checkbox"/> Upset <input type="checkbox"/> Nervous <input type="checkbox"/> Crying <input type="checkbox"/> Angry <input type="checkbox"/> Other:						
What were the first words that VICTIM said to the Responding Officers at the scene regarding the incident? This guy has been harassing me.						
Did suspect make victim fearful? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Weapon Used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Gun <input type="checkbox"/> Yes <input type="checkbox"/> No Other describe:						
Access to Guns? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Injured? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
In Pain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Strangulation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Loss of Consciousness <input type="checkbox"/> Urination/Defecation <input type="checkbox"/> Red eye/Petechia <input type="checkbox"/> Sore Throat <input type="checkbox"/> Breathing Changed <input type="checkbox"/> Difficulty Swallow <input type="checkbox"/> Visible Marks? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
What did the SUSPECT say (Quotes and Other Remarks): This Xente is holding a lot of masks						
710.30 completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
Briefly describe the circumstances of this incident: P1 stated P2 rapped his vehicle out of residence taking photos and videos of her and yelling that if she continues working at listed local she will be dead. No relationship between the parties UNL if access to weapons. UNL places where P2 hangs out P2 driving Toyota Black 4th 780806 Social Media: XIAO MIN XIONG aka SIMON						
DIR Repository checked? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Order of Protection Registry checked? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Order of Protection in effect? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Refrain <input type="checkbox"/> S		
Evidence Present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photos taken: <input type="checkbox"/> Victim Injury <input type="checkbox"/> Suspect Injury		Other Evidence: <input type="checkbox"/> Damaged Property <input type="checkbox"/> Videos		Destruction of Property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Offense Committed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Was suspect arrested? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Offense 1		Law (e.g. PL)
If no, explain:				Offense 2		La
M/COMPLAINANT COPY		NYS DOMESTIC AND SEXUAL VIOLENCE HOTLINE 1-800-642-6906			3221-03/2016 DCJS Copyright © 20	

Agency: NYPD	B	Incident # 100-11111222	Complaint #
Describe Victim's prior domestic incidents with this suspect (Last, Worst First):			
If the Victim answers "yes" to any questions in this box refer to the NYS Domestic and Sexual Violence Hotline at 1-800-942-8906 or Local Domestic Violence Service Provider: ()			
Has Suspect ever:		Is suspect capable of killing you or children? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Threatened to kill you or your children? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is suspect violently and constantly jealous of you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Strangled or "choked" you? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Has the physical violence increased in frequency or severity over the past 6 months? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Beaten you while you were pregnant? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is there reasonable cause to suspect a child may be the victim of abuse, neglect, maltreatment or endangerment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If Yes, the Officer must contact the NYS Child Abuse Hotline Registry # 1-800-635-1522.			
Was DIR given to the Victim at the scene? <input type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:		Was Victim Rights Notice given to the Victim? <input type="checkbox"/> Yes <input type="checkbox"/> No if NO, Why:	
Signatures:			
Reporting Officer (Print and Sign include Rank and ID#) K. MARTINEZ 962138		Supervisor (Print and Sign include Rank and ID#)	

STATEMENT OF ALLEGATIONS/SUPPORTING DEPOSITION

* Officers are encouraged to assist the Victim in completing this section of the form.

Suspect Name (Last, First MI)
Yanping Wang (Yvette) (Victim/Deponent Name) state that on 04/06/2020 (Date)
at 62 East 61st Street New York NY (Location of incident) in the County/City/Town/Village
of the State of New York, the following did occur:

I started to pack our donation packages around 9 AM this morning with my colleague Max. I tried to go out from entrance and found out Xian Min Xiong parked his car right in front of my pillar building where I live and work both. Xiong started to take photos and videos of me again as before. He was yelling + me saying "If you continue work for Miles Kwok, you'll be in danger on way. NO Relationship between the families."

(Use additional page)

False Statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Pen

Victim/Deponent Signature Yanping Wang	Date 04/06/2020	Note: Whether or not this form is signed, this DIR Form will be filed with Law Enforcement.
Officer Signature K. Martinez	Date 4/6/2020	
Interpreter Signature and Interpreter Service Provider Name	Date	
Interpreter Requested <input type="checkbox"/> Yes <input type="checkbox"/> No Interpreter Used <input type="checkbox"/> Yes <input type="checkbox"/> No	Date	