

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

Docket No. 24-CR-433 (NGG)

GAUTAM S. ADANI,  
SAGAR R. ADANI,  
VNEET S. JAAN,  
RANJIT GUPTA,  
CYRIL CABANES,  
SAURABH AGARWAL,  
DEEPAK MALHOTRA and  
RUPESH AGARWAL,

DECLARATION

Defendants.

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1. I am the United States Attorney for the Eastern District of New York (“EDNY”). I submit this Declaration in accordance with this Court’s July 15, 2026 Order (the “Order”), which followed the July 4, 2026 letter submission of Trent McCotter (“McCotter Letter”), Principal Associate Deputy Attorney General (“PADAG”) of the United States. As a United States Attorney, I report to the Office of the Deputy Attorney General, which oversees all United States Attorney’s Offices, and Mr. McCotter is my direct supervisor.

2. I attended several of the meetings referred to in the McCotter Letter, including both the meetings where defense counsel were present and the separate meetings with only Justice Department counsel. See McCotter Letter at 6 (“I [Trent McCotter] made the decision to dismiss these charges after conducting numerous meetings with defense counsel (two of which featured a dozen-plus attorneys) and also separate meetings with only Department counsel”).

3. Ultimately, after various arguments were presented, including at the meetings referred to above, Mr. McCotter exercised his authority as PADAG and determined that further

resources should not be deployed in this prosecution and that the indictment should be dismissed.

See May 18, 2026 motion to dismiss.

4. In response to this Court's June 26, 2026 Order, PADAG McCotter set forth his rationale for dismissal in the McCotter Letter.

5. I was not the decisionmaker for the motion to dismiss and I had no participation in drafting the McCotter Letter.

6. Indeed, my sending the May 11, 2026 email and my signing the May 18, 2026 motion to dismiss, both referred to by the Court in its Order, were at the direction, or authorization, of Mr. McCotter.

7. This Court stated that: "the court finds it necessary for the U.S. Attorney to provide his assurances that the reasons advanced by [Mr. McCotter] for the proposed dismissal are ... the real grounds upon which the application is based." Order at 4.

8. I have no basis to believe that the reasons advanced by Mr. McCotter for the proposed dismissal are not the real grounds upon which the application is based.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Central Islip, New York  
July 17, 2026

/s/ Joseph Nocella, Jr.  
JOSEPH NOCELLA, JR.  
UNITED STATES ATTORNEY  
EASTERN DISTRICT OF NEW YORK