

KS 2014 - 1459

zuzusterlen - to be served  
á signifier - da notificara



# Claim Form (arbitration)

In the  
High Court of Justice  
Commercial Court

**NOT FOR SERVICE OUT  
OF THE JURISDICTION**

	<i>for court use only</i>
Claim No.	2014 - 204
Issue date	24/2/14

In an arbitration claim between

### Claimant

- (1) ANATOLIE STATI  
20 Dragomirna Street, Chisinau, Republic of Moldova
- (2) GABRIEL STATI  
1A Ghiocelior Street, Chisinau, Republic of Moldova
- (3) ASCOM GROUP S.A.  
75 A. Mateevici St., Chisinau, MD-2009, Republic of Moldova
- (4) TERRA RAF TRANS TRADING LTD  
Don House, Suite 31, 30-38 Main Street, Gibraltar



### Defendant(s)

THE REPUBLIC OF KAZAKHSTAN

In the matter of an ~~intended~~ arbitration between

### Claimant

- (1) ANATOLIE STATI
- (2) GABRIEL STATI
- (3) ASCOM GROUP S.A.
- (4) TERRA RAF TRANS TRADING LTD



Respondent(s) *Set out the names and addresses of persons to be served with the claim form stating their role in the arbitration and whether they are defendants.*

THE REPUBLIC OF KAZAKHSTAN  
 Attn: Mr Kanatbek Beysenbekovich Safinov Executive Secretary  
 Ministry of Oil and Gas of the Republic of Kazakhstan  
 22 Kabanbay Batyr Ave  
 Block "A", Room 517  
 010000, Astana  
 Republic of Kazakhstan  
 The application is made without notice under CPR Rule 62.18(1)(b)

Defendant's  
name and  
address

THE REPUBLIC OF KAZAKHSTAN  
 Attn: Mr Kanatbek Beysenbekovich Safinov  
 Executive Secretary  
 Ministry of Oil and Gas of the Republic of  
 Kazakhstan  
 22 Kabanbay Batyr Ave  
 Block "A", Room 517  
 010000, Astana  
 Republic of Kazakhstan

This claim will be heard on:

at                  am/pm

This claim is made without notice.

The court office at

When corresponding with the court, please address forms or letters to the Court Manager and quote the case number.

## Remedy claimed and grounds on which claim is made

1. Pursuant to section 101(2) of the Arbitration Act 1996 and CPR 62.18 and 62.19, the Claimant makes an application for the permission of the Court to enforce a final arbitral award dated 19 December 2013 between (1) Anatolie STATI (2) Gabriel STATI (3) Ascom Group S.A. (4) Terra Raf Trans Trading Ltd and the Republic of Kazakhstan, in the same manner as a judgment or order of the Court to the same effect. This application is made without notice, in consistence with s44(3) of the Arbitration Act 1996.
2. Pursuant to Section 101(3), entering judgment in terms of the said award.
3. The Respondent's consent to arbitration is contained in Article 26(3) of the Energy Charter Treaty 1994, which entered into force in the Republic of Kazakhstan on 16 April 1998. The Claimants provided their consent to arbitration in their Request for Arbitration dated 26 July 2010. In accordance with Article 26(5)(ii) of the Energy Charter Treaty, these consents constitute an agreement in writing for the purposes of the New York Convention 1958 and, accordingly, satisfy the requirements for an agreement in writing under section 100(2)(a) of the Arbitration Act 1996. A certified copy of the Request for Arbitration is exhibited with the the First Witness Statement of Sarah Yasmin Walker dated 24 February 2014.
4. In accordance with CPR Rule 62.18(6)(a)(ii) and section 102 of the Arbitration Act 1996, a certified copy of the award is exhibited to the First Witness Statement of Sarah Yasmin Walker dated 24 February 2014.
5. In support of this application, the Claimant will rely on the witness statement of Sarah Yasmin Walker, which sets out further detail with respect to this application as required by CPR Rule 62.18(6). The Claimant will further rely on the witness statement of Mr Kenneth Fleuriet of 24 February 2014, which sets out the background to and an overview of the dispute between the parties, the arbitration proceedings and the final award that is the subject of these proceedings.
6. That the Defendants pay the costs of this application, including the costs of any judgment hereunder.
7. In accordance with CPR Rule 62.18(7)(a), a draft order of the Court accompanies the Claimants' application.

Claim No.	
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The claimant seeks an order for costs against  
the Defendant, such order to include the costs of entering the judgment.

Statement of Truth

\*~~(I believe)~~(The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full name Sarah Yasmin Walker

Name of claimant's solicitor's firm King & Spalding International LLP

signed 

position or office held Partner

\*~~(Claimant)~~(Claimant's solicitor)

(if signing on behalf of firm or company)

*\*delete as appropriate*

King & Spalding International LLP  
125 Old Broad Street  
London EC2N 1AR  
TEL: 020 7551 7500  
FAX: 020 7551 7575

Claimant's or claimant's solicitor's address to  
which documents should be sent if different from  
overleaf. If you are prepared to accept service by  
DX, fax or e-mail, please add details.