



STOCKHOLM DISTRICT COURT

MINUTES
2017-08-21
Proceeding in
Stockholm

File appendix 25
Case No.
T 10498-17

This case was handled without the parties present.

COURT

Judge Karin Palmgren Goohde, who also kept the minutes

PARTIES

Claimant

1. Anatolie Stati
20 Dragomirna Street
Chisinau MD-2008
Moldavia

2. Ascom Group S.A.
75 A Mateevici Street
Chisinau MD-2008
Moldavia

3. Gabriel Stati
1 A Ghiocilor Street
Chisinau MD-2008
Moldavia

4. Terra Raf Trans Traiding Ltd
Don House Suite 31
30-38 Main Street
Gibraltar

The legal counsel for 1-4: Lawyers Therese Isaksson, Bo G H Nilsson and Ginta Ahrel
Advokatfirman Lindahl KB
Box 1065
101 39 Stockholm

Defendant

The Republic of Kazakhstan
11 Podeba Avenue
Astana 1000
Kazakhstan

IN THE MATTER OF

Application for interim *ex parte* order of attachment.

Ascom Group S.A., Anatolie Stati, Gabriel Stati and Terra Raf Trans Traiding Ltd. (herein referred to as the claimants) requests that the District Court issue an interim *ex parte* order of attachment – without the defendant being given the opportunity to make a statement – of as much of the property located in Sweden belonging to the Republic of Kazakhstan that the claimants' claim of a) USD 8,975,496.40 and b) USD 497,685,101 including interest according to an annual interest rate corresponding to the average interest of American bonds during a six-month period from and including 30 April 2009 until the date of payment, can be presumed to be covered. Secondly, the claimants request an interim *ex parte* order of attachment, in accordance with what has been stated above, of shares belonging to the Republic of Kazakhstan that are registered by Euroclear Sweden AB.

Further, the claimants have requested that they be exempted from their obligation to provide security according to the first section of chapter 15, paragraph 6 of the Code of Judicial Procedure.

The basis for the request for attachment and for the exemption from the obligation to provide security for damages has been provided by the claimants and is apparent from what is stated in appendix 1.

The District Court delivers the following decision

DECISION

The claimants have shown probable cause for them having a claim against the Republic of Kazakhstan as stated in chapter 15, paragraph 1 of the Code of Judicial Procedure; that the arbitration may be the basis of a decision of attachment according to this provision is apparent from, inter alia, the government bill 1998/99 page 185 f. The claimants have shown probable cause that the claim amounts to the amount specified. It can reasonably be feared that the Republic of Kazakhstan will evade, through fleeing, disposing of property or acting in other ways, paying its debt. There is a danger in delay. The claimants, who are unable to provide security for damages, have shown exceptional cause for their claim.

Due to what has been stated, the District Court exempts the claimants from their obligation to provide security for damages and issues an interim *ex parte* order – i.e. without providing the Republic of Kazakhstan prior opportunity to make a statement – of attachment of as much of the property located in Sweden belonging to the Republic of Kazakhstan that the claimants' claim of a) USD 8,975,496.40 and b) USD 497,685,101 including interest according to an annual

interest rate corresponding to the average interest at American bonds during a six-month period from and including 30 April 2009 until the payment date, can be presumed to be covered upon execution.

The District Court now provides the Republic of Kazakhstan with the opportunity to make a statement with regard to the claimants' request **no later than three weeks of receiving the decision**. The District Court may, after the aforementioned period has expired, retry the issue of the attachment – and make a final decision of the case – regardless of receipt of such a statement.

The dispatch of the decision to the Republic of Kazakhstan will be deferred until 25 August 2017.

HOW TO APPEAL, see appendix 2 (DV 434)

The decision may be appealed to Svea Court of Appeal in particular within three weeks of receiving the decision. A review permit is required.

Karin Palmgren Goohde