

INTERNATIONAL
DISPUTE RESOLUTION

VEGAS LEX

Special Projects group

► Our services and benefits

VEGAS LEX is one of the leading Russian law firms with 25 years' expertise that provides a broad range of legal services in Russia, CIS and other countries.

50
COUNTRIES
global network

TEAM
Unique multidisciplinary
expertises

MEMBERSHIP
IN **17**
PROFESSIONAL AND
BUSINESS ASSOCIATIONS

EXPERTISE
The largest projects
and companies

17
PRACTICES

RECOGNITION
Top positions
in rankings



International Dispute Resolution

- Legal support in international arbitration conducted in Russia
- Request for interim measures in support of international arbitration
- Challenging arbitral awards in Russia
- Advising on disputes governed by the foreign law in Russian state courts
- Recognition and enforcement of foreign arbitral awards and court decisions in Russia
- Handling and coordinating complex cross-border disputes

Legal Advising

- Preparation of expert opinions on Russian law in the course of state courts proceedings and arbitration in foreign jurisdictions
- Legal assistance in collection of evidence within Russian territory, communicating with experts and other specialists

► Legal support in international arbitration conducted in Russia

Each dispute in International Commercial Arbitration is **unique** due to a number of factors: applicable procedural rules, substantive law, arbitrators' background and legal systems to which they belong, the language of the proceedings. VEGAS LEX's team is able to consider all the **specifics** of arbitration in Russia.

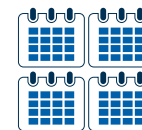
1 Analysis of perspectives and strategy development



2+
weeks

- ▶ review of documents and preparation of a draft claim
- ▶ legal assistance in and advising on collection of evidence
- ▶ developing the strategy and discussing it with the client
- ▶ legal assistance in selecting an arbitrator
- ▶ preliminary calculation of arbitration costs
- ▶ submission of claims and relevant documents to arbitral institutions

2 Representing the client in international arbitration



4+
months

- ▶ participation in a case management conference and oral hearings
- ▶ collection of additional evidence, if necessary (obtaining documents from relevant authorities, liaising with experts, drafting legal memos, assisting in preparation of witness evidence)
- ▶ preparation of necessary procedural documents
- ▶ request for interim measures before the arbitral tribunal (if necessary)

3 Receiving a writ of execution

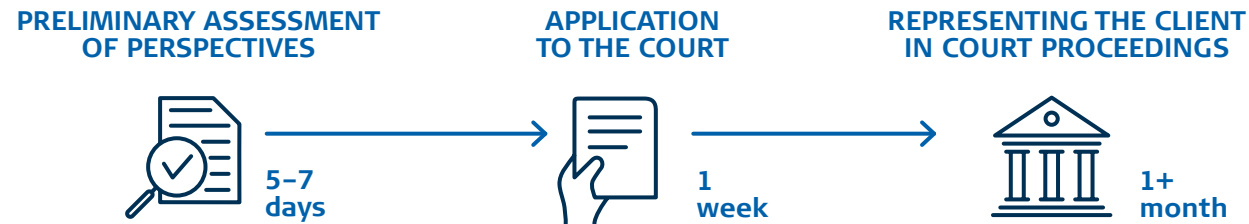


1+
month

- ▶ representing the client in a state court in the process of recognition and enforcement of an arbitral award
- ▶ liaising with bailiffs and banking organizations to recover funds (if necessary)

► Interim measures in support of international arbitration

It is not easy to obtain interim measures in Russian state courts in support of international arbitration. State courts tend to consider applications very formally and rarely grant interim measures. Wide practical experience, regular monitoring of trends and court approaches allow VEGAS LEX's experts to develop an effective strategy and mitigate risks of rejection of the application.



At this stage, we analyze

- validity of the arbitration agreement
- arbitrability of the dispute
- adoption of interim measures by the arbitral tribunal and their execution
- court approaches in a region where the application for interim measures shall be filed

Result: an independent legal opinion with recommendations on further action

At this stage, we

- develop the legal position and present argumentation for interim measures
- discuss the draft application with the client
- pay a state fee and file the documents with the court

Result: a request for adoption of mandatory interim measures

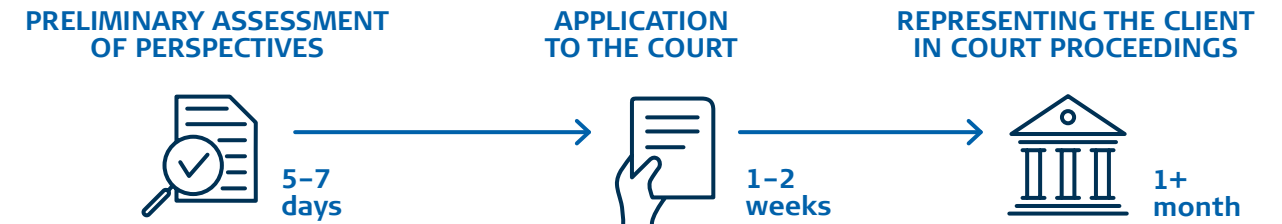
At this stage, we

- participate in court hearings (in case interim measures are challenged in higher instances)
- challenge a negative court ruling in higher instances (if necessary)

Result: protection of client's interests in proceedings

► Challenging arbitral awards in Russia

According to statistics, more than half of arbitral awards granted in Russia are challenged in courts due to various violations*. VEGAS LEX's experts will help to figure out potential risks and violations and efficiently develop the litigation strategy.



At this stage, we analyze the grounds for challenging an arbitral award, in particular

- validity of the arbitration agreement
- arbitrability of the dispute
- whether the arbitral tribunal and the procedure complied with the law
- whether the procedural deadlines were observed
- finality of the arbitral award
- whether any risks of contradiction to public policy exist
- relevant judicial practice on similar issues

Result: an independent legal opinion with recommendations on further action

At this stage, we

- determine the relevant court to file an application with
- develop the legal position and strategy
- discuss the draft application and the strategy with the client
- pay the state fee and file documents with the court
- draft a claim for interim measures (if necessary)

Result: the claim accepted by the court

At this stage, we

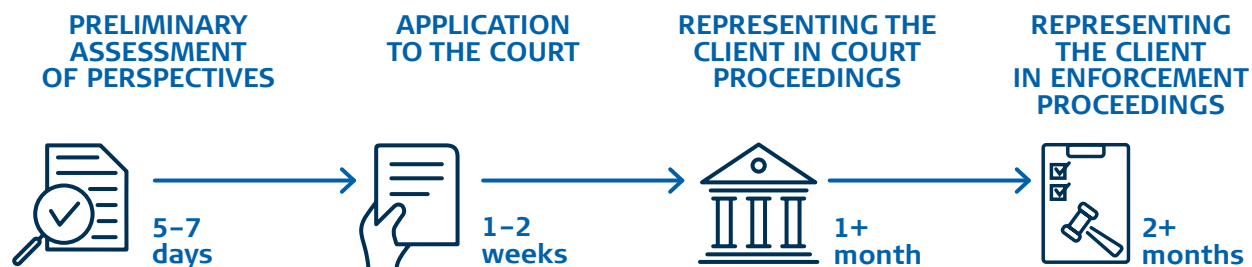
- participate in court hearings, file all necessary procedural documents
- challenge a negative court ruling in higher instances (if necessary)

Result: protection of client's interests in proceedings

* <http://www.cdep.ru/index.php?id=79&item=5670>

► Recognition and enforcement of foreign arbitral awards in Russia

According to statistics, each third claimant cannot count on receiving funds in Russia.* The most common grounds for refusal to recognize and enforce an arbitral award are the violation of the arbitration procedure and the contradiction of the award to the existing public policy. VEGAS LEX's experts will analyze the perspectives of the dispute, draft a legal position based on relevant court practice and help to protect interests in court.



At this stage, we examine, in particular

- validity of the arbitration agreement
- arbitrability of the dispute
- whether the arbitral tribunal and the procedure complied with the law
- finality of the arbitral award
- risks of contradiction of the award to public policy
- relevant judicial practice on similar issues

Result: an independent legal opinion with recommendations on further action

At this stage, we

- determine the relevant court to file an application with
- develop the legal position and strategy
- discuss the claim with the client
- pay the state fee and apply to the court
- draft a request for interim measures (if necessary)

Result: the application is accepted by the court

At this stage, we

- represent client's interests in court
- file necessary petitions/claims
- request for interim measures (if necessary)
- contest judicial acts in the court of cassation/prepare procedural documents (if necessary)

Result: recognition and enforcement of the foreign arbitral award

At this stage, we

- receive the writ of execution
- file the writ of execution with the relevant bank or the bailiff service
- assist in tracing and freezing assets in Russia

Result: debt recovery

► Advising on disputes governed by the foreign law in Russian state courts

Case participants often face difficulties in proving the content of foreign laws to Russian courts because this process has certain specifics, as compared to other legal systems. High qualification of VEGAS LEX's experts and their trust-based relationship with leading international firms help to choose the right method of proving the foreign law, collect evidence correctly and minimize risks of subsequent reversal of the court decision.



At this stage, we

- analyze the agreement on the applicable law
- provide recommendations on the most suitable method of proving (court or out-of-court expert examination, court's request, etc.)
- develop the litigation strategy and approve it with the client
- prepare all necessary procedural documents

At this stage, we

- provide a list of companies with general information (team, experience)
- negotiate the most beneficial contractual conditions for the client
- coordinate all communications with foreign advisors using a "one window" approach

At this stage, we

- participate in proceedings in all instances on behalf of the client
- prepare all necessary procedural documents
- challenge court decisions / rulings, if required

Result: protection of client's interests using all possible means of proof

* <http://www.cdep.ru/index.php?id=79&item=5670>

▶ Handling and coordinating complex cross-border disputes

Dispute resolution in foreign jurisdictions is usually complicated by a necessity to select a qualified legal advisor and establish an ongoing dialogue to control the project, as well as by the **specifics** of foreign legal systems. Long-term partnership of VEGAS LEX with leading foreign firms allows for **simplifying** this process as much as possible.

LIST OF SERVICES



tracing, seizure and recovery of assets



development of an integrated business strategy that considers the rules of multiple jurisdictions, coordination of the disputes



recognition and enforcement of Russian state courts decisions and arbitral awards abroad

In particular, VEGAS LEX's experts will...:

- ▶ select the best foreign legal advisor
- ▶ help to save 30% of your costs as compared to unassisted project support
- ▶ take care of all project-related communications
- ▶ ensure monitoring and update on the key events in the project
- ▶ provide an independent legal opinion and advise on further action
- ▶ check the accuracy of the accounts drawn up by foreign legal advisors

▶ Legal advising

Disputes in foreign jurisdictions often require legal experts' professional opinion on the content of Russian laws. Great experience in different areas of law allows VEGAS LEX's team to advise on complex issues requiring multidisciplinary expertise.



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- The team is result-oriented and ready to consider different options for solving the problem
 - Especially noticeable when other teams fail
 - Exceptional client focus, a proactive and creative approach to project support, a high level of professional competence ▪ VEGAS LEX lawyers are real professionals, whose advice you can rely on
 - Deep knowledge of procedural and substantive law

// Testimonials from THE LEGAL 500 RATING

- //
- Result-oriented approach to work
 - Offer useful and systemic solutions
 - Swift communication, which led to a successful and timely completion of the transaction
 - Are able to find a creative solution for any project
 - Care about the effectiveness of their work
 - Responsive and reliable

// Testimonials from THE CHAMBERS & PARTNERS RATING

► Projects



Recognition and enforcement of an ICAC award on debt recovery in a CIS country

- ▶ Tracing and freezing the debtor's assets as part of the interim measures
- ▶ Expedited procedure without preliminary hearings
- ▶ Eliminating the risks of violating foreign exchange control laws and regulations

One of the largest regional aluminium producers

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Representation in the ICAC against a claim for debt recovery and penalties under a supply contract

- ▶ Resolving the dispute regarding the determination of jurisdiction of either the ICAC or the commercial courts (taking into account recent amendments to the arbitration laws)
- ▶ Reaching a settlement on the client's terms

The largest international software developer

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Legal advising on debt recovery process under a foreign arbitral award in Russia

- ▶ Analysis of the debtor's financial standing and risks of insolvency
- ▶ Assessment of perspectives of international arbitration proceedings and enforcement of the arbitral award in Russia in the context of insolvency
- ▶ Drafting a legal opinion



Full legal assistance in lawsuits brought by the passengers seeking damages and specific performance

- ▶ Developing a strategy and providing representation against numerous consumer lawsuits worth almost \$60 million
- ▶ Complexity of the dispute resulting from the necessity to determine the applicable law in each particular case

► Projects

One of the largest oil companies and its subsidiaries

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Assistance in a conflict related to the poor quality of the delivered oil

- ▶ Developing a strategy for negotiating losses across the whole supply chain (suppliers, buyers, resellers)
- ▶ Providing recommendations for minimizing the losses
- ▶ Handling buyers' complaints



Recognition and enforcement of a foreign court decision

- ▶ Defending the client from a bank acting in bad faith (among the Top 5 largest Russian banks)
- ▶ Recognizing the court decision using the rules on reciprocity and international comity

An energy asset management company

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Legal memorandum on the perspectives of a Russian business project

- ▶ Analyzing a joint venture agreement governed by German law
- ▶ Estimating the influence of non-compete provisions on the ability to launch the venture in Russia
- ▶ Providing recommendations for minimizing the risks of corporate conflicts and claims for damages



Multiple disputes with one of the largest banks in the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Russia (ICAC)

- ▶ Developing a strategy and providing representation against numerous consumer lawsuits worth almost \$60 million
- ▶ Complexity of the dispute resulting from the necessity to determine the applicable law in each particular case

► Key Experts



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