Приложение 2 Форма ML 2

Пункт 5 (2)

Положения о трансграничной несостоятельности 2006 года Приказ о признании банкротства

Имя должника

ООО «ДАЛЬНАЯ СТЕПЬ» (КАЛМЫКСКАЯ КОМПАНИЯ, В ОТНОШЕИИ КОТОРОЙ ОТКРЫТО КОНКУРСНОЕ ПРОИЗВОДСТВО)

Номер компании если применимо

В ВЫСОКОМ СУДЕ, Канцелярском отделении, в Судебной палате для юридических лиц

Только для заполнения судом

Судебное дело номер

(а) Введите полное (-ые) имя (имена) и адрес (-а) для уведомления заявителя (-ей)

ПО ЗАЯВЛЕНИЮ (а) КИРИЛЛА ОЛЕГОВИЧА НОГОТКОВА, Россия, 109153, г. Москва, Хвалынский бульвар, дом 5/12, квартира 28 («Заявитель»), конкурсного управляющего ООО «Дальняя Степь», назначенного определением от 27 ноября 2015 года Арбитражного суда Республики Калмыкия, Российская Федерация;

(b) Введите дату

представленного в суд (b) 29 апреля 2016 года

(с) Введите полное имя и адрес для уведомления должника

в отношении (c) ООО «Дальняя Степь», Российская Федерация, Республика Калмыкия, г. Элиста, ул. им. Губаревича, 6/7 («Должник»), и после слушания г-ном Саймона Джонсона, Советника Заявителя.

(d) Введите сведения о любом другом лице (включая должника), а также о представителе, явившемся в суд

И на основании того, что должник не явился в суд, или не имел представителей

Печать:

/* ВЫСОКИЙ СУД ПРАВОСУДИЯ * Судебная палата для юридических лиц * 8 июля 2016 год/

и на основании прочтения доказательств

(е) Введите сведения об иностранных производствах

*Ненужное зачеркнуть

ОПРЕДЕЛЕНО, что (е) конкурсное производство в отношении ООО «Дальняя Степь» началось (возобновлено) 09 сентября 2015 года согласно определению Арбитражного Суда Республики Калмыкии, согласно Статьям 2 и 126 Федерального закона № 127-ФЗ от 26 октября 2002 года «О несостоятельности (банкротстве)», признается в качестве основного иностранного производства в соответствии с Типовым законом ЮНСИТРАЛ о несостоятельности, как определено в Приложении 1 к Положениям о Трансграничной несостоятельности 2006 года.

(f) Введите обстоятельства дальнейших определений, вынесенных судом

И определено отсутствие необходимости (f) вручения должнику заявления и аффидавита Кирилла Олеговича Ноготкова, приложения к заявлению от 29 апреля 2016 года, а также копии данного приказа.

И (g) Введите условия решения суда по вопросу издержек

И определено, что издержки по вышеупомянутому заявления (g) являются издержками в рамках основного иностранного производства, которые указаны в пункте (e) настоящего приказа выше.

(h) Введите дату и время

Настоящее определение вступит в силе c (h) 14:40, в пятницу, 8 июля 2016 года.

Печать:

/* ВЫСОКИЙ СУД ПРАВОСУДИЯ * Судебная палата для юридических лиц * 8 июля 2016 год/

OLSWANG

Mr William Browder

Third Floor

Grafton House

2-3 Golden Square London W1F 9HR

1 August 2016

Email

Bernard.O'Sullivan@olswang.com

Direct Line

+44 20 7067 3594

Our Ref

BAS\MHD\34556-1

Your Ref

By Registered Post and By Hand

Dear Mr Browder

Dalnyaya Step LLC (in liquidation) (a limited liability company incorporated in the Russian Federation) ("DSL")

Introduction

- 1. We act for Nogotkov Kirill Olegovich in his capacity as the official receiver of DSL (the "Liquidator").
- 2. Pursuant to a decision of the Arbitrazh Court of the Republic of Kalmykia on 9 June 2007 (in the Russian Federation), and as you will be aware, DSL entered liquidation proceedings pursuant to Russian Federal Law No. 127-FZ dated 26 October 2002 (the "foreign proceedings"). On 9 September 2015 the foreign proceedings were extended.
- 3. Pursuant to the Order of Registrar Barber dated 8 July 2016 (the "Order"), the English High Court has ordered that the liquidation of DSL (commenced on 9 September 2015 by order of the Arbitrazh Court of the Republic of Kalmykia pursuant to Articles 2 and 126 of Federal Law No. 127-FZ of 26 October 2002 concerning insolvency) be recognised as a foreign main proceeding in accordance with the UNCITRAL Model Law on cross-border insolvency as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006 ("CBIR"). We have enclosed a copy of the Order for your records.

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4. The Liquidator has obtained the Order so that he can, among other things, make enquiries into DSL's operations in order to ascertain whether there are any actual or potential assets of DSL which exist in this jurisdiction or elsewhere.

Your connection to DSL

- 5. The Liquidator understands from documents that he has obtained during the liquidation that, among other things:
 - 5.1 DSL was a part of and/or connected with the Hermitage Fund and that you were the Managing Director of Hermitage Capital Management Limited which acted as the Investment Advisor to the Hermitage Fund;
 - 5.2 you were DSL's General Manager between:
 - 5.2.1 8 June 1998 and 17 October 2001 where you were preceded by Lilia Guzheva and replaced by Eleftherios Philppou; and
 - 5.2.2 14 January 2002 and 17 June 2003 where you were preceded by Eleftherios Philppou and replaced by Ivan Sergeevich Cherkasov;
 - 5.3 you arranged for DSL to be registered in the Republic of Kalmykia;
 - 5.4 you signed employment contracts on DSL's behalf;
 - 5.5 you signed documents on DSL's behalf at times when you were not DSL's general manager;
 - 5.6 you worked with and/or employed individuals (including but not limited to Mr Cherkasov and Yakov Danilovich Shosha) who subsequently became General Managers of DSL and/or who procured DSL to perform actions which included a series of payments to and from DSL which took place on or after 21 October 2004; and
 - 5.7 you acted as the representative of Oasis M LLC (a company incorporated in the Russian Federation who was a shareholder of DSL) ("**Oasis**") at DSL's shareholder meetings between 11 March 2002 and 10 March 2004.
- 6. In light of the above, the Liquidator believes that you will have information and/or documents belonging to or relating to DSL which will assist the Liquidator in his enquiries.

2

22383955-2



Requirement to deliver up documents

- Pursuant to Article 21 of Schedule 1 to the CIBR and section 236(3) of the Insolvency Act 1986 ("IA86"), the Liquidator is entitled to apply for an order requiring any former officer or person who may have such records to deliver up all books, papers and records relating to DSL (the "Records") which are in their possession and/or under their control. For the avoidance of doubt this includes electronic copies of documents including but not limited to emails.
- 8. In the interests of proportionality, the Liquidator does not require you to deliver up all of the Records relating to DSL which are in your possession and/or control at this stage save for those specifically set out below. However, please confirm that you will protect and not delete, destroy or otherwise dispense with any of DSL's Records which are in your possession and/or control. We should be grateful if you could provide this confirmation within seven days of receiving this Letter.
- 9. As you will have been aware, DSL held bank accounts with, among others, HSBC Bank (RR) LLC, International Moscow Bank CJSC and subsequently OOO OBMB and DVRB OJSC (the "Bank Accounts"). From 21 October 2004, the Liquidator has identified a series of payments to and from DSL's accounts from and to third parties. The Liquidator is in the process of investigating what the purpose of those payments were.
- Notwithstanding the comments above regarding the Records, the Liquidator requests you to deliver up any Records in your possession and/or control which relate to the payments which were made to or from DSL's Bank Accounts between 20 October 2004 and 20 April 2005 (when we understand Mr Shosha became DSL's General Manager) (the "Financial Records") (including but not limited to the transactions set out in paragraph 14.5 below) in order to assist him with his enquiries. The Financial Records should include all bank account statements, documents evidencing transfers (whether in the form of bank transfer documents, emails or otherwise) and emails that provide information about why the payments were made to or from DSL's Bank Accounts.
- The Liquidator requires you to within 14 days of this Letter either: (a) deliver up the Financial Records in your possession and/or control; or (b) confirm that you have no Financial Records in your possession and/or control. If you do not provide a satisfactory response within 14 days, the Liquidator reserves the right to make an application to Court for an order that you deliver these up without delay. The Liquidator reserves his right to seek an order that you pay the costs of any application which he is required to issue in the event that you fail to comply with his request.
- 12. If it would assist, we can arrange for a courier to collect copies of the Financial Records from you directly.

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13. The Liquidator would also be grateful if you could confirm whether you previously had possession and/or control of Records which are no longer in your possession and/or control and, if that is the case, if you could provide a description of what type of information was contained in those Records and a description of the events that have lead up to those Records no longer being in your possession and/or control.

Requirement to attend interview

- 14. Pursuant to Article 21 of Schedule 1 to the CIBR and section 236(2) IA86, the Liquidator is entitled to apply for an order requiring any former officer or person who may have information about DSL to be summoned before the Court to answer questions. In light of the matters set out at the start of this letter, the Liquidator requests you to confirm that you will agree to attend an interview in person to answer questions and to provide information about the following matters, namely:
 - 14.1 the way in which DSL was managed, including but not limited to, the roles which were performed by:
 - 14.1.1 DSL's General Manager;
 - 14.1.2 HSBC Management (Guernsey) Limited (formerly known as HSBC Republic Management (Guernsey) Limited) (who the Liquidator understands acted as the manager of the Hermitage Fund);
 - 14.1.3 HSBC Private Bank (Guernsey) Limited (formerly known as HSBC Republic Bank (Guernsey) Limited) (who the Liquidator understands acted as the trustee of the Hermitage Fund); and
 - 14.1.4 Hermitage Capital Management Limited,

respectively;

- 14.2 the way in which DSL was structured and the tax regimes and structures it attempted to operate in order to take advantage of tax benefits offered in the Russian Federation;
- 14.3 the circumstances leading up to and the rationale behind the shareholder resolutions which were passed whilst you were acting as the representative of Oasis;
- the circumstances leading up to your appointment and subsequent replacement as DSL's General Manager;

4

22383955-2



- 14.5 the payments which were made to and from DSL on or after 21 October 2004. In particular the Liquidator would like to discuss the following payments and the circumstances in which they were made, namely the:
 - 14.5.1 payments made by DSL to Apricus Investments Limited;
 - 14.5.2 payments made by DSL to JSC "Far-East Regional Bank";
 - 14.5.3 payments made by DSL to OOO OBMB;
 - 14.5.4 payments made by DSL to OOO Parfenion;
 - 14.5.5 payments made by DSL to Serasus Investments Limited ("Serasus") pursuant to a purchase/sale agreement entered into with Serasus entitled No. 1; and
 - 14.5.6 dividend payments made by DSL to Serasus and Oasis M LLC;
- 14.6 the circumstances behind the transfer of the ownership of DSL to Mr Shosha; and
- 14.7 what knowledge you had of the tax investigations which were being performed by the Russian tax authorities in 2004-2005.
- 15. As we stated at the outset of this letter, the Liquidator has identified information from DSL's records which identifies that you will be able to provide information regarding the matters set out above.
- In the event that you agree to attend interview, the Liquidator will write to you to confirm a convenient date, time and place for the interview to be conducted. We understand you reside in London and we will therefore arrange for the interview to take place in London. We will be arranging for the interview to be recorded so that a transcript of the interview can be taken. We will provide you with a copy of the transcript should you require a copy.
- 17. We should be grateful if you could confirm that you will voluntarily attend interview by no later than 14 days after the date of this letter.
- 18. Should you unreasonably refuse to cooperate with the Liquidator's request to attend an interview or if you fail to respond to this letter within 14 days or if you fail to cooperate with the Liquidator's questions during the interview, the Liquidator reserves his rights to issue an application pursuant to Article 21 of Schedule 1 to the CIBR and section 236(2) IA86 for an Order summoning you to appear before the Court to answer questions in relation to your dealings with DSL.

We look forward to receiving your response.

22383955-2 5

OLSWANG

Yours faithfully

Olswang LLP

Encs. Order

6

OLSWANG

Mr Ivan Sergeevich Cherkasov 3 Ash Grove London N10 3UL

1 August 2016

Email

Bernard.O'Sullivan@olswang.com

Direct Line

+44 20 7067 3594

Our Ref

BAS\MHD\34556-1

Your Ref

By Registered Post and By Hand

Dear Mr Cherkasov

Dalnyaya Step LLC (in liquidation) (a limited liability company incorporated in the Russian Federation) ("DSL")

Introduction

- 1. We act for Nogotkov Kirill Olegovich in his capacity as the official receiver of DSL (the "Liquidator").
- Pursuant to a decision of the Arbitrazh Court of the Republic of Kalmykia on 9 June 2007 (in the Russian Federation), and as you will be aware, DSL entered liquidation proceedings pursuant to Russian Federal Law No. 127-FZ dated 26 October 2002 (the "foreign proceedings"). On 9 September 2015 the foreign proceedings were extended.
- 3. Pursuant to the Order of Registrar Barber dated 8 July 2016 (the "Order"), the English High Court has ordered that the liquidation of DSL (commenced on 9 September 2015 by order of the Arbitrazh Court of the Republic of Kalmykia pursuant to Articles 2 and 126 of Federal Law No. 127-FZ of 26 October 2002 concerning insolvency) be recognised as a foreign main proceeding in accordance with the UNCITRAL Model Law on cross-border insolvency as set out in Schedule 1 to the Cross-Border Insolvency Regulations 2006 ("CBIR"). We have enclosed a copy of the Order for your records.

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4. The Liquidator has obtained the Order so that he can, among other things, make enquiries into DSL's operations in order to ascertain whether there are any actual or potential assets of DSL which exist in this jurisdiction or elsewhere.

Your connection to DSL

- 5. The Liquidator understands from documents that he has obtained during the liquidation that, among other things:
 - 5.1 you were employed by entities connected with the Hermitage Fund from in or before 2001 and following the transfer of DSL to Yakov Danilovich Shosha and/or entities connected with Mr Shosha in 2005;
 - 5.2 DSL was a company that was part of or connected with the Hermitage Fund;
 - 5.3 you were DSL's General Manager between:
 - 5.3.1 17 June 2003 and 24 June 2003 where you were preceded by William Browder and replaced by Global Administration (Russia) Limited; and
 - 5.3.2 10 February 2004 and 26 October 2004 where you were preceded by Global Administration (Russia) Limited and replaced by Elena Vasilyevna Filipchenkova;
 - 5.4 you were authorised to act as DSL's authorised signatory when dealing with shares that DSL held in Gazprom during periods in which you were not DSL's General Manager and that authorisation was provided by Mr Browder;
 - 5.5 you liaised with DSL's advisors in respect of matters concerning the way in which DSL was structured at times when you were not DSL's General Manager;
 - 5.6 you were responsible for procuring DSL to perform certain actions after 26 October 2004 including authorising DSL to make payments to third parties; and
 - that you acted as the representative of Serasus Investments Limited (a company incorporated in Cyprus who was a shareholder of DSL) ("Serasus") at DSL's shareholder meetings between 17 October 2001 and 10 March 2004.
- 6. In light of the above, the Liquidator believes that you will have information and/or documents belonging to or relating to DSL which will assist the Liquidator in his enquiries.

2

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Requirement to deliver up documents

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- 9. As you will have been aware whilst you acted as DSL's General Manager and authorised payments from DSL's accounts, DSL held bank accounts with, among others, HSBC Bank (RR) LLC, International Moscow Bank CJSC and subsequently OOO OBMB and DVRB OJSC (the "Bank Accounts"). From 21 October 2004, the Liquidator has identified a series of payments to and from DSL's accounts from and to third parties. The Liquidator is in the process of investigating what the purpose of those payments were.
- 10. Notwithstanding the comments above regarding the Records, the Liquidator requests you to deliver up any Records in your possession and/or control which relate to the payments which were made to or from DSL's Bank Accounts between 20 October 2004 and 20 April 2005 (when we understand Mr Shosha became DSL's General Manager) (the "Financial Records") (including but not limited to the transactions set out in paragraph 14.5 below) in order to assist him with his enquiries. The Financial Records should include all bank account statements, documents evidencing transfers (whether in the form of bank transfer documents, emails or otherwise) and emails that provide information about why the payments were made to or from DSL's Bank Accounts.
- 11. The Liquidator requires you to within 14 days of this Letter either: (a) deliver up the Financial Records in your possession and/or control; or (b) confirm that you have no Financial Records in your possession and/or control. If you do not provide a satisfactory response within 14 days, the Liquidator reserves the right to make an application to Court for an order that you deliver these up without delay. The Liquidator reserves his right to seek an order that you pay the costs of any application which he is required to issue in the event that you fail to comply with his request.
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 - 14.1.3 HSBC Private Bank (Guernsey) Limited (formerly known as HSBC Republic Bank (Guernsey) Limited) (who the Liquidator understands acted as the trustee of the Hermitage Fund); and
 - 14.1.4 Hermitage Capital Management Limited (incorporated in Guernsey) which acted as the Investment Adviser to the Hermitage Fund,

respectively;

- 14.2 the way in which DSL was structured and the tax regimes and structures it attempted to operate in order to take advantage of tax benefits offered in the Russian Federation;
- 14.3 the circumstances leading up to and the rationale behind the shareholder resolutions which were passed whilst you were acting as the representative of Serasus;
- 14.4 the circumstances leading up to your appointment and subsequent replacement as DSL's General Manager;



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We look forward to receiving your response.

OLSWANG

Yours faithfully

Olswang LLP

Encs. Order

27 OKT 2004

Постуг в банк плат

Списано со сч плат

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Назначение платежа

Подписи

Отметки банка

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НSBC Bank (RR)

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ПОДПИСЬ И ПЕЧАТЬ





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Списано со сч плат

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Плательщик	Cч. № 40702810500001100013
ООО "Эйч-эс-би-си Банк (PP)", г. Москва Банк плательщика	БИК 044525351 Сч. № 3010181040000000351
АБ "Газпромбанк" (ЗАО), г. Москва Банк получателя ИНН 7744001497	БИК 044525823 Сч № 30101810200000000823
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Назначение платежа Подписи Отметки банка

ПОДПИСЬ И ПЕЧАТЬ

Поступ в банн плат

Списано со сч. плат

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ООО "Дальняя Степь"	Сумма	296968-3	4			
_	C4 Nº	40702810	50000	11000	13	
Плательщик						
ООО "Эйч-эс-би-си Банк (РР)" г. Москва	БИК	04450505				
	Cy. Nº	04452535		00000		
Банк плательщика	. 04, 142	301018104	10000	000035)1	
АБ "Газпромбанк" (ЗАО), г Москва	БИК	044525823				
Банк получателя	Cu. №	301018102		000082	3	
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АБ "Газпромбанк" (ЗАО)	Сч. №	603118105	00000	000012	1	
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Получатель	Код	}		поле	U	
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ПЛАТЕЖНОЕ ПОРУЧЕНИЕ	Nο	42
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15 12 2004

Почтой Вид платежа

Сумма прописью Один миллион пятьсот десять тысяч рублей 00 копеек

ИНН 0814099824	КПП 081550001		
ООО "Дальняя Степь"	1 30 1330001	Сумма	1510000-00
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		C4. Nº	40702810500001100013
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000 "Эйч-эс-би-си Бан	(РР)", г. Москва	FIAI	
		БИК	044525351
Банк плательщика		Сч. №	3010181040000000351
ООО "Эйч-Эс-Би-Си Баг	IV (PP)" 5 Mague		
-11 24	(11).1. MOCKBa	БИК	044525351
банк получателя		Cч. №	30101810400000000351
ИНН 0814112088	КПП 081401001		
ООО "Оазис-М"	[301401001	Сч. №	40702810900001100040
		1 1	
		Вид оп.	01 Срок плат.
		Наз.пл.	Очер.плат 6
Толучатель		Код	Рез поле

Перечислены дивиденды за 3 квартал 2004 года на основании протокола № 22 от 22 октября 2004 г. Без НДС



19 5 AEH 2004

ОБРАЗЕЦ

Поступ в банк тлат

Списано со с- плат

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		Assembly Onen 70
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	БИК	044525351
Банк плательщика	Сч. №	3010181040000000351
ООО "Эйч-эс-би-си Банк (РР)", г. Москва		
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{VO50090} Перечислены дивиденды за 3 квартал 2004 года по протоколу № 22 от 22 10 2004 г Без НДС



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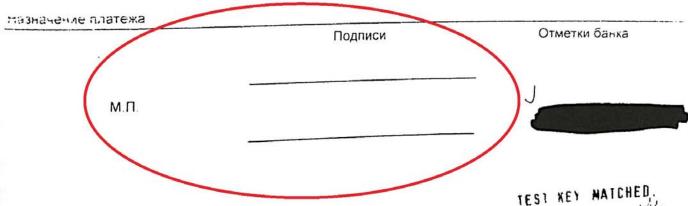
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. Институт и начность шесть миллисное чегыреста тысяч рублей ЭС колеек The West

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Плательшик					
000 "Эи эс-би-си Бан	(РР)", г Москва	БИК	044525351		
Банк плательщика		C4 Nº	30101810400000000351		
000 "Эйч-эс-би-си Бан	к (РР)", г. Москва	БИК	044525351		
Банк получателя		Сч. №	3010181040000000351		
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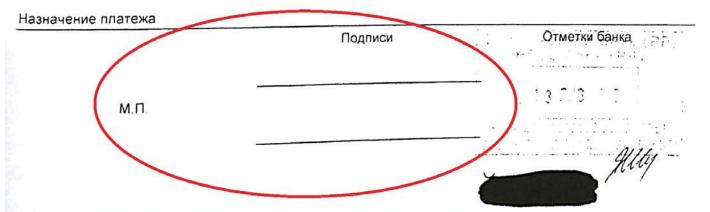
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ООО "Дальняя Степь"			Сумма	1510000-00				
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ООО "Эйч-эс-би-си Банк (РР)", г Москва			БИК	044525351	44525351			
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000 "Эйч-	эс-би-си Банк (Р	Р)", г. Москва		БИК	04452535	1			
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Поступ в банк плат

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