

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
COMMERCIAL COURT

Claim No. 2005 Folio 534
Claim No. 2007 Folio 482
Claim No. 2009 Folio 191

Mr Justice Andrew Smith

B E T W E E N :

FIONA TRUST & HOLDING CORPORATION & others Claimants

-and-

YURI PRIVALOV & others Defendants

AND BETWEEN :

INTRIGUE SHIPPING INC & others Claimants

- and -

H CLARKSON & COMPANY LTD & others Defendants

AND BETWEEN :

FIONA TRUST & HOLDING CORPORATION & others Claimants

- and -

DIMITRY SKARGA & others Defendants

ORDER

PENAL NOTICE

IF YOU, ANY OF THE COMPANIES LISTED IN SCHEDULE A HERETO (BEING ALL OF THE CLAIMANTS IN THE ABOVE-MENTIONED ACTIONS, COLLECTIVELY REFERRED TO HEREIN AS "THE RESPONDENTS"), DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENTS TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON the application of the Third to Seventeenth and Nineteenth to Twenty-Second Defendants in action 2005 Folio 534 (*“the Sovcomflot Action”*), the Fourth, Fifth and Eighth Defendants in action 2007 Folio 482 (*“the Novoship Action”*), and the Second to Fourth Defendants in action 2009 Folio 191 (*“the New Action”*), collectively referred to herein as *“the Applicants”* (*“the Application”*)

AND UPON reading the Applicants’ Application Notice dated 26 January 2011 and the Twenty-Fifth and Twenty-Sixth Witness Statements of Michael David Lax dated 26 January 2011 and 4 February 2011 respectively in support thereof

AND UPON hearing Counsel for the Applicants and Counsel for the Respondents

AND UPON the Applicants undertaking to pay to the Respondents any damages that the Respondents may sustain as a result of this Order and which the Court considers the Respondents should pay

IT IS ORDERED as follows:

1. In this Order:
 - 1.1 *“the Russian Proceedings”* means the criminal proceedings in the Russian Federation against *inter alios* Mr Yuri Nikitin;
 - 1.2 *“the Disputes”* means the disputes between the Respondents and the Applicants that are, or were prior to the Judgment of this Court delivered on 10 December 2010, the subject of the Sovcomflot, Novoship and/or New Actions; and
 - 1.3 *“the Russian Civil Claims”* means the civil claims made in the Russian Proceedings by or on behalf of any of the Respondents (including in particular, but without limitation, those listed in Schedule B hereto) against any of the Defendants to the Sovcomflot, Intrigue and/or New Actions, including the claims against those Defendants in respect of which:
 - 1.3.1. by request dated 17 December 2010 the Office of the Prosecutor General of the Russian Federation sought mutual legal assistance

from the Swiss authorities; and

1.3.2. by interim decree ("*Zwischenverfügung*") dated 6 January 2011, signed by Ms Lucie Wellig ("*the Swiss Order*"), the Swiss *Bundesanwaltschaft* froze certain bank accounts (set out in paragraph 1 thereof) at Wegelin & Co. Private Bankers.

2. The Respondents shall not, by themselves, their directors, employees, officers or agents:

2.1 pursue any step in, or take any further step in pursuit of, the Russian Civil Claims;

2.2 procure or assist the pursuit of any step in, or the taking of any further step in pursuit of, the Russian Civil Claims;

2.3 commence (or re-commence) or pursue, or procure or assist the commencement (or re-commencement) or pursuit of, any proceedings to prosecute the Disputes in any court or tribunal other than the High Court or Court of Appeal of England and Wales (or a court of another member state of the European Union or of another contracting state of the Lugano Convention).

3. The Respondents shall:

3.1 forthwith announce in writing to the relevant authority or authorities in Russia that they are withdrawing, and agree to the withdrawing of, the Russian Civil Claims, and provide a copy of the same to the Applicants' solicitors;

3.2 by 2pm GMT on 16 February 2011, send to or lodge with the relevant authority or authorities in Russia further document(s) (if any) required for the withdrawal of the Russian Civil Claims, and provide a copy or copies of the same to the Applicants' solicitors;

3.3 comply with all requirements for the withdrawal of the Russian Civil Claims.

4. For the avoidance of doubt, nothing in this Order prevents the Respondents or any of them from cooperating with the Russian prosecuting authorities and courts in connection with the Russian Proceedings (excluding the Russian Civil Claims or any other civil

claims seeking to prosecute the Disputes), including without limitation by providing documents and information in relation to the Disputes.

5. The parties shall have liberty to apply to vary or discharge this Order.
6. Costs reserved.

Dated this 9th day of February 2011

Counsel for the Applicants

Counsel for the Respondents

SCHEDULE A

I. Claimants in the Sovcomflot Action

- (1) FIONA TRUST & HOLDING CORPORATION
- (2) SOVCOMFLOT (UK) LTD
- (3) MEGASLOT I SHIPPING COMPANY LTD
- (4) MEGASLOT II SHIPPING COMPANY LTD
- (5) MEGASLOT III SHIPPING COMPANY LTD
- (6) MEGASLOTIV SHIPPING COMPANY LTD
- (7) MEGASLOT V SHIPPING COMPANY LTD
- (8) MEGASLOT VI SHIPPING COMPANY LTD
- (9) MEGASLOT VII SHIPPING COMPANY LTD
- (10) MEGASLOT VIII SHIPPING COMPANY LTD
- (11) MEGASLOT IX SHIPPING COMPANY LTD
- (12) MEGASLOT X SHIPPING COMPANY LTD
- (13) TAM ENTERPRISES INC.
- (14) FILI SHIPPING COMPANY LIMITED
- (15) PRESNIA SHIPPING COMPANY LIMITED
- (16) POLYANKA MARITIME COMPANY LIMITED
- (17) SOKOLNIKI SHIPPING COMPANY LIMITED
- (18) OSTANKINO SHIPPING COMPANY LIMITED
- (19) GLEFI SHIPPING V COMPANY LIMITED
- (20) GLEFI SHIPPING VII COMPANY LIMITED
- (21) GLEFI SHIPPING VIII COMPANY LIMITED
- (22) PROGRESS SHIPPING CO.
- (23) UNIVERSAL NAVIGATION CO LTD
- (24) GLEFI SHIPPING XXIX COMPANY LIMITED
- (25) GLEFI SHIPPING XXVIII COMPANY LIMITED
- (26) INTEGRITY MARITIME INC
- (27) VALLOY SHIPPING CO LTD
- (28) OAO SOVCOMFLOT
- (29) SOVCHART S.A.
- (30) SCANOBO TRADER SHIPPING CORPORATION
- (31) SCANOBO CHALLENGER SHIPPING CORPORATION
- (32) SCANOBO ENDURANCE SHIPPING CORPORATION
- (33) SCANOBO CHAMPION SHIPPING CORPORATION
- (34) SCANOBO SPIRIT SHIPPING CORPORATION
- (35) SCANOBO STAR SHIPPING CORPORATION
- (36) SCANOBO TRUST SHIPPING CORPORATION
- (37) HOPE VICTORY SHIPPING COMPANY LIMITED
- (38) ZINA SHIPPING CORPORATION
- (39) MEKHANIK KURAKO SHIPPING COMPANY LIMITED
- (40) SOCOFL HONESTY SHIPPING INC
- (41) SOCOFL STREAM SHIPPING INC
- (42) SOCOFL FIDELITY SHIPPING INC
- (43) SOCOFL TIDE SHIPPING INC
- (44) SOCOFLWIND SHIPPING INC
- (45) SOCOFLWAVE SHIPPING INC

- (46) SOCOFL TRADE SHIPPING INC
- (47) SOCOFL LAKE SHIPPING INC
- (48) SOCOFL PEARL SHIPPING INC
- (49) SOCOFL STAR SHIPPING INC
- (50) NIKOLAY MALAKHOV SHIPPING COMPANY LIMITED
- (51) ROSFJORD SHIPPING CO LTD
- (52) GLEFI SHIPPING XXX COMPANY LIMITED
- (53) GALEA CORPORATION
- (54) GULFSTAR CORPORATION
- (55) WILSHIRE CORPORATION
- (56) AMBER TANKERS INC
- (57) BEAUTIFUL SEAWAYS INC
- (58) EASTBANK HOLDINGS LTD.
- (59) BIG SHIPPING COMPANY
- (60) ROMANTIC NAVIGATION INC
- (61) SCORPIO TANKERS INC
- (62) STAR CARRIERS INC
- (63) WONDERFUL TRANSPORT CO
- (64) ORIENTAL CARRIERS CO
- (65) CAMBRIDGE CARRIERS LTD
- (66) CORRAD SHIPPING CORP
- (67) NODROG SHIPPING CORP.
- (68) SOUTHQUAY SHIPPING LTD
- (69) BLEWBURY SHIPPING CORPORATION
- (70) BASSETT OCEANWAY LTD
- (71) ANGELIC SEAS CORPORATION
- (72) KENJIMI TRANSPORTS INC.
- (73) MACHANTER SHIPPING CORPORATION
- (74) DUPORTMARINE SERVICES INC
- (75) CARRIER TANKER INC
- (76) SOVCOMFLOT BULK SHIPPING INC.

II Claimants in the Novoship Action

- (1) INTRIGUE SHIPPING INC
- (2) SWAN NAVIGATION LIMITED
- (3) SEAGULL SHIPPING LIMITED
- (4) JUPITER NAVIGATION LIMITED
- (5) CORA NAVIGATION LIMITED
- (6) NITARA CARRIERS LTD.
- (7) WYATT MARINE CO.
- (8) MARLON SHIPHOLDING LTD.
- (9) STERLING SHIPPING INC
- (10) GALLION NAVIGATION INC
- (11) ASTREA SHIPPING LTD.
- (12) SIGMA NAVIGATION CORP.
- (13) NIVA TRANSPORT S.A.

- (14) WATERFRONT TANKERS INC
- (15) WATERWAYS TANKERS INC
- (16) WATERSIDE CARRIERS INC
- (17) WATERSCAPE CARRIERS INC
- (18) BETHANY CARRIERS LTD.
- (19) MILLWOOD SHIPPING NAVIGATION S.A.
- (20) WASP NAVIGATION CO.
- (21) CORAL MIST TANKER LTD.
- (22) WATERMARK MARITIME INC
- (23) WATERCOURSE MARITIME INC
- (24) NS POINT SHIPPING INC
- (25) NS PARADE SHIPPING INC
- (26) NS LEADER SHIPPING INC
- (27) NS LION SHIPPING INC
- (28) NS LAGUNA SHIPPING INC
- (29) NS LOTUS SHIPPING INC
- (30) JSC NOVOROSSIYSK SHIPPING COMPANY
- (31) HOMEPORT TANKERS S.A.
- (32) JORDAN NAVIGATION LIMITED
- (33) ZHURAVLYOV SHIPPING LIMITED
- (34) HUTTON SHIPPING LNC
- (35) STANKOV SHIPPING LNC
- (36) SOCHI SHIPPING LIMITED
- (37) NOVORO NAVIGATION LIMITED
- (38) TUSCANY MARITIME S.A.
- (39) ALTAIR MARINE INC
- (40) ALMAK MARINE INC
- (41) ARCTURUS MARINE INC
- (42) ALIOTH MARINE INC
- (43) NYSSIA SHIPPING LNC
- (44) GALANT NAVIGATION CORPORATION
- (45) REDFORD NAVIGATION S.A.
- (46) TROGIR SHIPPING LIMITED
- (47) FANCY MARITIME S.A.
- (48) CANYON MARITIME CORP
- (49) KALUGA SHIPPING INC.
- (50) KAZAN SHIPPING INC.
- (51) NOVOSHIP S.A.

II Claimants in the New Action

- (1) FIONA TRUST & HOLDING CORPORATION
- (2) SOVCOMFLOT (UK) LTD
- (3) OAO SOVCOMFLOT
- (4) SOVCHART S.A.
- (5) GLEFI SHIPPING XI COMPANY LIMITED
- (6) SOVETSKAYA GAVAN SHIPPING COMPANY LIMITED
- (7) RYBNOVSK SHIPPING COMPANY LIMITED
- (8) CONSORTIUM SHIPPING LTD
- (9) GLEFI SHIPPING XXVIII COMPANY LIMITED
- (10) GLEFI SHIPPING XXXI COMPANY LIMITED

SCHEDULE B

1. OAO Sovcomflot.
2. Fiona Trust and Holding Corporation.
3. Sovcomflot Bulk Shipping Inc..
4. OAO Novoship.
5. Intrigue Shipping Inc..