

Subject: Fwd: Ukraine v. MA (Strictly Private & Confidential, Privileged Communication) - ВС/Париж - СРОЧНО
From: Roman Marchenko <marchenko@attorneys.ua>
Date: 15.05.2014 12:44
To: Andrey Kravchenko <a.kravchenko@prokuror.kz>
CC: Maksutbekuuli Ulugbek <maxatbekuulu.u@prokuror.kz>, "Lastaev Artur Ermekovich" <7172988@prokuror.kz>, Pakeev Nurzhan <7172721@prokuror.kz>

А.Н.!

Простите за беспокойство, но у меня срочный вопрос.

Как я информировал, на 26.05 и 12.06 в Апелляционном суде г. Лион назначены слушания по делу об экстрадиции АМК.

В приложении - предложение ЮФ "ВинстонСтроун", которые представляли интересы гос-ва Украина в Экс-Провансе (АМК) и Лондоне (Кононко), на слушания в Лионе. Я его уже отправлял в Банк (Саурбеку и Просянкину).

Учитывая, что слушание состоится уже 26.05 мне СРОЧНО нужно решение Банка, будет ли Банк финансировать эту новую работу фр. юристов. На сегодня ответа/позиции Банка по этому вопросу я так и не имею, кроме предварительного подтверждения Просянкина: "пусть юристы начинают, решим", но юристы хоть и начали работу (например, инфо о датах - от них, после их встреч в Лионе), но требуют от меня подтверждения общего бюджета.

Если этот вопрос не будет быстро решен, Украина не будет представлена во Франции, т.к. ГПУ уже написала суду, что сотрудники ГПУ не будут принимать участие в слушаниях в Лионе (если нужно - я это письмо ГПУ Вам направлю).

А ведь еще будет необходимо оформить в Украине мандат юристам, что и раньше было непросто, т.к. это прямо не предусмотрено укр. законодательством (Вы это прекрасно помните, т.к. помогали с этим, но даже при моем тогдашнем добром отношении со всеми это делалось "со скрипом"), а при сегодняшней ситуации в Украине - вообще крайне сложно.

После нужно будет еще отправить его по дипломатической цепочке ГПУ - МИДУ - Посольство Украины во Франции - МИД Франции - Минюст Франции - суд в Лионе, что также займет очень много времени!

При этом начать оформлять мандат без подтверждения готовности Банка оплатить всю сумму фр. юристам я не могу, т.к. без этого ГПУ на это точно не пойдет.

И еще один момент/просьба - не оплачены 6 последних счетов моей фирмы. При этом там внутри "сидят" огромные (для нас) суммы наших затрат как раз по старым платежам англ. и фр. юристам по указанной теме (экстрадиции). Необходимо быстро решить и этот вопрос, т.к. французы снова захотят предоплату, а у меня просто не будет ресурса сделать это без оплаты старых счетов Банком.

Спасибо.

Best regards,
Roman V. Marchenko,
Senior Partner

Ilyashev & Partners Law Firm
11 Kudryavska Str.
Kyiv, 04053, Ukraine
tel. +38 (044) 494 19 19
fax +38 (044) 494 19 99

www.attorneys.ua

Ilyashev & Partners is recommended for Ukraine by European Legal 500, Chambers Global, Chambers Europe, IFLR 1000, PLC Which Lawyer?, Who's Who Legal.

*****NOTE*****
This e-mail message and any attachments thereto are intended only for use by the addressee(s) named above, and may contain legally privileged and/or confidential information. If you are not the intended addressee, you are hereby kindly notified that any dissemination, distribution or copying of this e-mail and any attachments thereto is strictly prohibited. If you have received this e-mail in error, kindly delete it from your computer system, and notify us at the telephone number or e-mail address appearing above. Thank you.

Please consider the environment before printing this e-mail message.

— Attachments: _____

Fees proposal WS-1.pdf

76,2 KB

BUDGET PROPOSAL

D FEE ARRANGEMENT

Our budget proposal amounts to a total sum of € 320.000 excluding VAT.

Since we understood that you requested a capped budget, we agreed to make a capped budget proposal but note that this budget will surely be inferior to our real costs and expenses.

Please note as well that our internal rules require us to request from you the payment of all the pending bills which remain unpaid.

We would therefore ask you to pay the total sum of \$ 76.224,85 before we can take any further actions in this case, corresponding to:

- Bill n° 214 03 029 dated 14 March 2014: outstanding balance of \$ 61.862,55

- Bill n° 213 12 152 dated 26 December 2013: outstanding balance of \$ 14.362,30

The Expenses budget shall be reviewed *de bonna fide* by the parties in the occurrence of any event that could change the parties' forecasts regarding this budget item.

The Expenses budget does not include any bailiff, transport or accommodation fees, costs or expenses that could be necessary in the course of the mission.

II) DETAILED PROPOSAL

**BUDGET CONCERNING THE PROCEDURE BEFORE THE COURT OF APPEAL OF
LYON
(100.000 euros)**

<u>Update of the submissions</u> We will have to update our submissions according to the recent events.	40 000 €
<u>Monitoring of the transmission of documents by the diplomatic channel</u> We will have to monitor the transmission of the needed documents (power of attorney, exhibits and observations)	5.000 €
<u>Contacts with the General Prosecutor</u>	5.000 €
<u>Preparation of the hearings</u>	10 000 €
<u>Hearings</u> We will surely have to attend at least two different hearings in Lyon.	30.000 €
<u>Translation monitoring</u>	5.000 €
<u>Brief of the Local Counsel</u>	5 000 €

BUDGET CONCERNING THE CRISIS MANAGEMENT
(100.000 euros)

<u>Brief of the criminal lawyer</u> Calls, meetings and legal documents drafting.	20.000 €
<u>Work with the IT experts</u> Calls and meetings.	20.000 €
<u>Communication management</u> Calls and meetings with crisis management experts. Preparation of responses to the Press. Calls and meetings with journalists.	40.000 €
<u>Investigations</u> Calls, meetings and drafting of documents in the frame of our relations with the DCRI (French FBI).	20.000 €

EXPENSES BUDGET
(120.000 euros)

<p><u>Criminal lawyer</u></p> <ul style="list-style-type: none">- Action before the Paris Bar <p>We retained the former Chief of the Paris Bar and very well-known criminal and press lawyer, Christian Charrière-Bournazel in order to brief the Paris Bar on the case.</p> <ul style="list-style-type: none">- Criminal complaint before the General Attorney- Actions for prohibiting the access to the websites in France towards French internet service providers <p>We had to sue all French internet service providers to ask the Court to order them to prohibit the access from France to the litigious websites.</p> <ul style="list-style-type: none">- Possible complaints against newspapers- Possible complaints against Ablyazov's lawyers	<p>35.000 €</p>
---	-----------------

<p><u>Forensic and IT experts</u></p> <ul style="list-style-type: none"> - Security measures <p>Following the revelation of the leak, we had to ensure that our IT system was safe and we have therefore retained IT experts to check all our devices.</p> <ul style="list-style-type: none"> - Analysis of the attack <p>Our IT experts have made a forensic study on our devices to try to determine what has been the <i>modus operandi</i> of the attack. This measure was necessary to correct the breach and to try to make a link with the attack and our opponents, which could be a powerful argument for our case.</p> <ul style="list-style-type: none"> - Investigations at Apple's <p>Since the attack was performed on an iPhone, we had to check with Apple if they could give us all the data they had on connections historic.</p> <p>Since the attack was performed on an iPhone, we had to check with Apple if they could give us all the data they had on connections historic.</p> <ul style="list-style-type: none"> - Encrypted lines 	<p>25.000 €</p>
<p><u>Communication and crisis management expert</u></p> <p>We need to work with our usual communication experts to manage the press coverage of the case and to determine our communication strategy.</p> <p>Their good contacts within the Press will be as well particularly useful.</p>	<p>35.000 €</p>

<p><u>Translation</u></p> <p>We will have to translate:</p> <ul style="list-style-type: none"> - our observations in Ukrainian and Russian; - the English judgments in French and Russian; - the relevant exhibits in French and Russian. 	<p>20.000 €</p>
<p><u>Local Counsel in Lyon</u></p> <p>We need the assistance of a local counsel in Lyon to manage the relationship with the Court and the General Prosecutor.</p>	<p>5.000 €</p>
<p><u>Various</u></p> <p>We will have to engage various costs for the several hearings and meetings.</p>	<p>5.000 €</p>